S. HRG. 100-933

MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS OF 1988

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

H.R. 4526

TO PROVIDE FOR THE ADDITION OF APPROXIMATELY 600 ACRES TO THE MANASSAS NATIONAL BATTLEFIELD PARK

SEPTEMBER 8, 1988

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MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS OF 1988

THURSDAY, SEPTEMBER 8, 1988

U.S. SENATE,
COMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, U.S. SENATOR FROM ARKANSAS

Senator BUMPERS. The subcommittee will come to order. First, I want to thank all of the witnesses for coming today.

There is a tremendous amount of interest in this bill and justifiably so. I was chairman of the subcommittee in 1980 when the Congress last considered legislation to add lands to the Manassas National Battlefield Park.

With the support of Congressman Herb Harris, Senators Warner and Byrd, the Prince William County Board of Supervisors, Ann Snyder, the Park Service and others, we worked out a compromise bill and enacted it.

It was not all we would have liked, but it met the immediate needs of preserving hallowed ground. And it served the park and surrounding community well in the intervening years.

Now we have a proposal to add additional property to the park. The bill on which this hearing is being held this afternoon, H.R. 4526, is narrower than the proposals before us in 1980.

This measure, which passed the House on August 10th by a vote of 370 to 98, would include an area known as the William Center tract within in the park boundaries. The parcel, comprising approximately 550 acres, would be acquired by the United States through a legislative taking.

Although this method of acquisition is rarely used, it is entirely appropriate in instances where development of a particular parcel is imminent. Or as in the case here, where development has already taken place.

The House-passed measure also addresses some of the transportation problems, the needs of the Park, and the surrounding area.

This bill resulted from a proposal to develop the William Center tract in a manner that some find totally inconsistent with the Manassas National Battlefield Park which is located nearby.

To be more exact, the issue really focuses on that portion of the development which involves the construction of a large regional shopping mall in the vicinity of Stuart's Hill.

Perhaps no bill would have been offered if the shopping mall had not become a part of the development proposal. It is ironic that such a proposal has forced us to reevaluate the historic value of the site, a reevaluation that may never have taken place otherwise.

We are here today because of the mall proposal, and a view held by many laymen and most historians that such a use is incompatible with the historic values of the William Center tract and the surrounding park.

Ever since this proposal began to work its way through the Congress last spring in the form of a rider to the fiscal year 1989 Transportation Act, I have been personally debating this issue in my own mind, not because I did not have a feeling about it but because of the budgetary constraints.

I have read and listened to the developer's arguments and met with his staff and attorneys. I reviewed the comprehensive package of materials provided by the Prince William County Board of Supervisors concerning its role in this controversy. And I have discussed this matter with representatives of the Reagan Administration, both on and off the record.

I have read or reread historical accounts of the first and second battles of Manassas and talked with experts on the Civil War about the significance of this tract to those battles.

Finally, I have met with and been contacted by many conservation and historic preservation groups over the past few months, and the one thing they all want to tell me is about Manassas.

The Reagan Administration's opposition to the acquisition of this parcel is consistent with its position that the country cannot afford to expend significant funds for the acquisition of parklands in the present budgetary climate.

And secondly, the decisions regarding the development of private lands outside park boundaries are a matter for local control, not Federal intervention.

Preservationists, Civil War historians and others feel that the acquisition of this property and its inclusion in the park are essential to our country's historical and cultural heritage. They further believe that a country which spends a thousand billion dollars a year can afford it.

During a portion of the August recess I spent several days visiting some of our national parks. I saw some spectacular sites and some magnificent country. I saw much to be proud of, Mr. Mott, in our national parks, and I saw some things which disturbed me very much.

In Rocky Mountain National Park we saw a condominium development within 10 feet of the park boundaries, and we were told about complaints the Park Service had received from some of these landowners that park visitors were spoiling their solitude.

We saw subdivisions and shopping centers being built just outside the park boundary in areas containing winter range critical to the needs of the park's wildlife population.

In Yellowstone National Park—and incidentally I had planned this trip two months previous to my visit there—in Yellowstone National Park we saw, through the smoke, lands outside the park boundary which were recently acquired by the Church Universal and Triumphant, being fenced and cultivated to the detriment of the park's wildlife that depend on this land for forage in the winter.

These same lands were also being developed for their geothermal potential, threatening one of the few significant national geyser basins left in the world.

And during my visit to the Santa Monica Mountains National Recreation Area outside of Los Angeles, I was astounded at the natural and relatively unspoiled beauty of this area, just a few miles from more than 11 million people.

As important as this area may be to millions of those people who depend on it for recreation and solitude and education, the development pressures on the Santa Monica Mountains is tremendous.

Parcels of land within and adjacent to the park boundary are literally being lost every day to subdivision and commercial development.

I know that we cannot stop all of these and other threats to our national parks, we will lose some valuable lands. In all fairness, we will also save some significant land. And in the process I think we will all learn some valuable lessons about the wisdom of each.

All of us will have to make our own decisions about which lands are significant and should be protected, and about what the role of the Federal government ought to be in preserving those lands.

And in formulating such a policy I will be guided by the English philosopher's admonition that nothing is more utterly impossible than undoing that which has already been done.

Therefore, although I do not know what position other Members of the Committee plan to take on this measure, I am strongly inclined to support it. Obviously, time is growing short and it will be much easier to kill this bill than it will be to enact it.

Nevertheless, it is my view that if we err in this matter we ought to err on the side of preservation. It is also my view that the Committee should be given an opportunity to act on this measure as soon as possible.

And it is my intention to bring this matter before the full Committee as quickly as possible, hopefully next week, so that the Committee and the Senate can resolve this matter one way or the other during this session.

[The prepared statement of Senator Bumpers and the text of H.R. 4526 follow:]

STATEMENT BY THE HONORABLE DALE BUMPERS

SEPTEMBER 8, 1988

I WAS THE CHAIRMAN OF THIS SUBCOMMITTEE IN 1980 WHEN THE CONGRESS LAST CONSIDERED LEGISLATION TO ADD LANDS TO THE MANASSAS NATIONAL BATTLEFIELD PARK. WITH THE SUPPORT OF CONGRESSMAN HERB HARRIS, SENATORS WARNER AND BYRD, THE PRINCE WILLIAM COUNTY BOARD OF SUPERVISORS, ANNIE SNYDER, THE PARK SERVICE AND OTHERS, WE WORKED OUT A COMPROMISE BILL AND ENACTED IT. IT WAS NOT ALL WE WOULD HAVE LIKED, BUT IT MET THE IMMEDIATE NEEDS OF PRESERVING HALLOWED GROUND, AND HAS SERVED THE PARK AND SURROUNDING COMMUNITY WELL IN THE INTERVENING EIGHT YEARS.

NOW WE HAVE A PROPOSAL TO ADD ADDITIONAL PROPERTY TO THE PARK. THE BILL BEFORE US, H. R. 4526, IS NARROWER THAN THE

PROPOSALS BEFORE US IN 1980. THIS MEASURE, WHICH PASSED THE HOUSE ON AUGUST 10 BY A VOTE OF 307-98, WOULD INCLUDE AN AREA KNOWN AS THE 'WILLIAM CENTER' TRACT WITHIN THE PARK BOUNDARY. THIS PARCEL, COMPRISING APPROXIMATELY 550 ACRES, WOULD BE ACQUIRED BY THE UNITED STATES THROUGH A LEGISLATIVE TAKING. ALTHOUGH THIS METHOD OF ACQUISITION IS RARELY USED, IT IS ENTIRELY APPROPRIATE IN INSTANCES WHERE DEVELOPMENT OF A PARTICULAR PARCEL IS IMMINENT OR, AS IS THE CASE HERE, WHERE DEVELOPMENT IS ALREADY TAKING PLACE. THE HOUSE-PASSED MEASURE ALSO ADDRESSES SOME OF THE TRANSPORTATION PROBLEMS AND NEEDS OF THE PARK AND THE SURROUNDING AREA.

THIS BILL RESULTED FROM A PROPOSAL TO DEVELOP THE WILLIAM CENTER TRACT IN A MANNER THAT SOME FIND TOTALLY INCONSISTENT WITH THE MANASSAS BATTLEFIELD PARK WHICH IS LOCATED NEARBY. TO BE MORE EXACT, THE ISSUE REALLY FOCUSES ON THAT PORTION OF THE DEVELOPMENT WHICH INVOLVES THE CONSTRUCTION OF A LARGE REGIONAL SHOPPING MALL IN THE VICINITY OF STUART'S HILL. PERHAPS NO BILL WOULD HAVE BEEN OFFERED IF THE SHOPPING MALL HAD NOT BECOME A

PART OF THE DEVELOPMENT PROPOSAL. IT IS IRONIC THAT SUCH A PROPOSAL HAS FORCED US TO REEVALUATE THE HISTORIC VALUE OF THE SITE, A REEVALUATION THAT MAY NEVER HAVE TAKEN PLACE OTHERWISE. WE ARE HERE TODAY BECAUSE OF THE MALL PROPOSAL AND THE VIEW HELD BY MANY LAYMEN AND MOST HISTORIANS THAT SUCH A USE IS INCOMPATIBLE WITH THE HISTORIC VALUES OF THE WILLIAM CENTER TRACT AND THE SURROUNDING PARK.

EVER SINCE THIS PROPOSAL BEGAN TO WORK ITS WAY THROUGH THE CONGRESS LAST SPRING IN THE FORM OF A RIDER TO THE FISCAL YEAR 1989 TRANSPORTATION ACT, I HAVE BEEN DEBATING THIS ISSUE IN MY OWN MIND. I HAVE READ AND LISTENED TO THE DEVELOPER'S ARGUMENTS AND MET WITH HIS STAFF AND ATTORNEYS. I HAVE REVIEWED THE COMPREHENSIVE PACKAGE OF MATERIALS PROVIDED BY THE PRINCE WILLIAM COUNTY BOARD OF SUPERVISORS CONCERNING ITS ROLE IN THIS CONTROVERSY. I HAVE DISCUSSED THIS MATTER WITH REPRESENTATIVES OF THE REAGAN ADMINISTRATION, BOTH ON AND OFF THE RECORD. I HAVE READ (OR RE-READ) HISTORICAL ACCOUNTS OF THE FIRST AND SECOND BATTLES OF MANASSAS AND TALKED WITH EXPERTS ON THE CIVIL WAR

ABOUT THE SIGNIFICANCE OF THIS TRACT TO THOSE BATTLES. FINALLY, I HAVE MET WITH, AND BEEN CONTACTED BY, VARIOUS CONSERVATION AND HISTORIC PRESERVATION GROUPS OVER THE PAST FEW MONTHS AND THE ONE THING THEY ALL WANT TO TELL ME ABOUT IS MANASSAS.

THE REAGAN ADMINISTRATION'S OPPOSITION TO THE ACQUISITION OF THIS PARCEL IS ENTIRELY CONSISTENT WITH ITS POSITIONS THAT (1) THE COUNTRY CANNOT AFFORD TO EXPEND SIGNIFICANT FUNDS FOR THE ACQUISITION OF PARK LANDS IN THE PRESENT BUDGETARY CLIMATE; AND (2) THAT DECISIONS REGARDING THE DEVELOPMENT OF PRIVATE LANDS OUTSIDE PARK BOUNDARIES ARE A MATTER FOR LOCAL CONTROL, NOT FEDERAL INTERVENTION. PRESERVATIONISTS, CIVIL WAR HISTORIANS, AND OTHERS FEEL THAT THE ACQUISITION OF THIS PROPERTY AND ITS INCLUSION IN THE PARK ARE ESSENTIAL TO OUR COUNTRY'S HISTORICAL AND CULTURAL HERITAGE. THEY FURTHER BELIEVE THAT A COUNTRY WHICH SPENDS A *THOUSAND* BILLION DOLLARS A YEAR CAN AFFORD IT.

DURING A PORTION OF THE AUGUST RECESS, I SPENT SEVERAL DAYS VISITING SOME OF OUR NATIONAL PARKS. I SAW SOME SPECTACULAR

SIGHTS AND SOME MAGNIFICENT COUNTRY. I SAW MUCH TO BE PROUD OF IN OUR NATIONAL PARKS. I ALSO SAW SOME THINGS WHICH DISTURBED ME VERY MUCH.

IN ROCKY MOUNTAIN NATIONAL PARK, WE SAW CONDOMINIUM DEVELOPMENT WITHIN 10 FEET OF THE PARK BOUNDARY AND WERE TOLD ABOUT COMPLAINTS THE PARK SERVICE HAD RECEIVED FROM SOME OF THESE LANDOWNERS THAT PARK VISITORS WERE SPOILING THEIR SOLITUDE! WE SAW SUBDIVISIONS AND SHOPPING CENTERS BEING BUILT JUST OUTSIDE THE PARK BOUNDARY IN AREAS CONTAINING WINTER RANGE CRITICAL TO THE NEEDS OF THE PARK'S WILDLIFE POPULATIONS.

IN YELLOWSTONE NATIONAL PARK, WE SAW (THROUGH THE SMOKE) LANDS OUTSIDE THE PARK BOUNDARY WHICH WERE RECENTLY ACQUIRED BY THE CHURCH UNIVERSAL AND TRIUMPHANT BEING FENCED AND CULTIVATED TO THE DETRIMENT OF THE PARK'S WILDLIFE THAT DEPEND ON THIS LAND FOR FORAGE IN THE WINTER. THESE SAME LANDS ARE ALSO BEING DEVELOPED FOR THEIR GEOTHERMAL POTENTIAL, THREATENING ONE OF THE FEW SIGNIFICANT NATURAL GEYSER BASINS LEFT IN THE WORLD.

DURING MY VISIT TO THE SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA OUTSIDE OF LOS ANGELES, CALIFORNIA, I WAS ASTOUNDED AT THE NATURAL AND RELATIVELY UNSPOILED BEAUTY OF THIS AREA JUST A FEW MILES FROM MORE THAN 11 MILLION PEOPLE. AS IMPORTANT AS THIS AREA MAY BE TO MILLIONS OF THOSE PEOPLE WHO DEPEND ON IT FOR RECREATION, SOLITUDE, AND EDUCATION, THE DEVELOPMENT PRESSURES ON THESE MOUNTAINS IS TREMENDOUS. PARCELS OF LAND WITHIN AND ADJACENT TO THE PARK BOUNDARY ARE LITERALLY BEING LOST EVERY DAY TO SUBDIVISION AND COMMERCIAL DEVELOPMENT.

I KNOW THAT WE WILL NOT BE ABLE TO STOP ALL THESE AND THE OTHER THREATS TO OUR NATIONAL PARKS. WE WILL LOSE SOME VALUABLE LANDS. BUT WE WILL SAVE SOME SIGNIFICANT LAND, TOO. AND, IN THE PROCESS, I THINK WE WILL ALL LEARN SOME VALUABLE LESSONS ABOUT THE WISDOM OF EACH. ALL OF US WILL HAVE TO MAKE OUR OWN DECISIONS ABOUT WHAT LANDS ARE SIGNIFICANT AND SHOULD BE PROTECTED AND ABOUT WHAT THE ROLE OF THE FEDERAL GOVERNMENT SHOULD BE IN PRESERVING THOSE LANDS. IN FORMULATING SUCH A

POLICY, I WILL BE GUIDED BY THE ENGLISH PHILOSOPHER'S ADMONITION THAT, "NOTHING IS MORE UTTERLY IMPOSSIBLE THAN UNDOING THAT WHICH HAS ALREADY BEEN DONE."

THEREFORE, ALTHOUGH I DO NOT KNOW WHAT POSITION OTHER MEMBERS OF THE COMMITTEE PLAN TO TAKE ON THIS MEASURE, I AM STRONGLY INCLINED TO SUPPORT IT.

OBVIOUSLY, TIME IS GROWING SHORT AND IT WILL BE MUCH EASIER TO KILL THIS BILL THAN TO ENACT IT. NEVERTHELESS, IT IS MY VIEW THAT IF WE ERR IN THIS MATTER, WE SHOULD ERR ON THE SIDE OF PRESERVATION. IT IS ALSO MY VIEW THAT THE COMMITTEE SHOULD BE GIVEN AN OPPORTUNITY TO ACT ON THIS MEASURE AS SOON AS POSSIBLE. IT IS MY INTENTION TO BRING THIS MATTER BEFORE THE FULL COMMITTEE AS QUICKLY AS POSSIBLE, HOPEFULLY NEXT WEEK, SO THAT THE COMMITTEE AND THE SENATE CAN RESOLVE THE MATTER ONE WAY OR THE OTHER.

II

100TH CONGRESS
2D SESSION

H. R. 4526

IN THE SENATE OF THE UNITED STATES

AUGUST 11 (legislative day, AUGUST 10), 1988

Received; read twice and referred to the Committee on Energy and Natural Resources

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AN ACT

To provide for the addition of approximately 600 acres to the Manassas National Battlefield Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Manassas National Battlefield Park Amendments of 1988".

SEC. 2. ADDITION TO MANASSAS NATIONAL BATTLEFIELD PARK.

The first section of the Act entitled "An act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b), is amended—

(1) by inserting "(a)" after "That"; and

(2) by adding at the end thereof the following:

"(b)(1) In addition to subsection (a), the boundaries of the park shall include the area, comprising approximately 600 acres, which is south of U.S. Route 29, north of Interstate Route 66, east of Route 705, and west of Route 622. Such area shall hereafter in this Act be referred to as the 'Addition'.

"(2)(A) Notwithstanding any other provision of law, effective on the date of enactment of the Manassas National Battlefield Park Amendments of 1988, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, all the real property within the Addition.

"(B) The United States shall pay just compensation to the owners of any property taken pursuant to this paragraph and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be made by the Secretary in the amount of the agreed negotiated value of such property or the valuation of such property awarded by judgment. Such payment shall include interest on the value of such property which shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the

Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from the date of enactment of the Manassas National Battlefield Park Amendments of 1988 to the last day of the month preceding the date on which payment is made.

"(C) In the absence of a negotiated settlement, or an action by the owner, within 1 year after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary may initiate a proceeding at anytime seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

"(3) Not later than 6 months after the date of enactment of the Manassas National Battlefield Park Amendments of 1988, the Secretary shall publish in the Federal Register a detailed description and map depicting the boundaries of the Addition. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

"(c) The Secretary shall not allow any unauthorized use of the Addition after the enactment of the Manassas National Battlefield Park Amendments of 1988, except that the Secretary may permit the orderly termination of all operations on the Addition and the removal of equipment, facilities, and personal property from the Addition.".

SEC. 3. VISUAL PROTECTON.

Section 2(a) of the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b-1), is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following:

"(2) The Secretary shall cooperate with the Commonwealth of Virginia, the political subdivisions thereof, and other parties as designated by the Commonwealth or its political subdivisions in order to promote and achieve scenic preservation of views from within the park through zoning and such other means as the parties determine feasible.".

SEC. 4. HIGHWAY RELOCATION.

(a) STUDY.—The Secretary of the Interior (hereinafter in this section referred to as the "Secretary"), in consultation and consensus with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County, shall conduct a study regarding the relocation of highways (known as routes 29 and 234) in, and in the vicinity of, the Manassas National Battlefield Park (hereinafter in this section referred to as the "park"). The study shall include an assessment of the available alternatives, together with cost estimates and recommendations regarding preferred options. The study shall specifically consider and develop plans for the closing of those public highways (known as routes 29 and 234) that transect the park and shall include analysis of the timing and method of such closures and of means to provide alternative routes for traffic now transecting the park. The Secretary shall provide for extensive public involvement in the preparation of the study.

(b) DETERMINATION.—Within 1 year after the enactment of this Act, the Secretary shall complete the study under subsection (a). The study shall determine when and how the highways (known as routes 29 and 234) should be closed.

(c) ASSISTANCE.—The Secretary shall provide funds to the appropriate construction agency for the construction and improvement of the highways to be used for the rerouting of traffic now utilizing highways (known as routes 29 and 234) to be closed pursuant to subsection (b) if the construction and improvement of such alternatives are deemed by the Secretary to be in the interest in protecting the integrity of the park. Not more than 75 percent of the costs of such construction and improvement shall be provided by the Secretary and at least 25 percent shall be provided by State or local governments from any source other than Federal funds. Such construction and improvement shall be approved by the Secretary of Transportation.

(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary not to exceed $30,000,000 to prepare the study required by subsection (a) and to provide the funding described in subsection (c).

Passed the House of Representatives August 10, 1988.

Attest: DONNALD K. ANDERSON,

Clerk.

Senator **Bumpers**. Our ranking Member has not arrived yet, but Senator Domenici, would you like to, do you have a statement?

Senator **Domenici**. No, I do not, Mr. Chairman. I will be here for part of the hearing and do my job, obviously. I think I understand the issues, but I do look forward to the testimony.

Senator **Bumpers**. Thank you. Senator Fowler?

Senator **Fowler**. No, thank you, Mr. Chairman. I will be uncharacteristically silent in order to hear from our distinguished panel.

Senator **Bumpers**. Thank you. Senator Conrad, do you have a statement?

Senator **Conrad**. No, in the interest of the time of the witnesses who are here, I would yield back my time so we can get right to the testimony.

Senator **Bumpers**. We are joined today by the distinguished Senate colleagues who represent the State of Virginia, Senator Warner, a man whom I admire, respect and consider a very valued friend.

Senator Warner, we are most honored to have you with us today to lead off this hearing.

STATEMENT OF HON. JOHN WARNER, U.S. SENATOR FROM VIRGINIA

Senator **Warner**. Thank you, Mr. Chairman, Members of the Committee. I am delighted to be back with this Committee again, having been a Member for some four years and witnessing in part controversies of the scope of the one we have had today.

But I would like to say that in my quarter of a century of public service I have never witnessed a controversy as deeply felt on all sides, and I say that respectfully, as this one, save possibly the Vietnam Veterans Memorial controversy, which I was privileged to be a part of. And I hope that this one somehow is resolved as favorably as that one in the interests of history and this country.

Now, this is a no-win situation. I say to my colleagues, you have got the House bill on one side and the editorial, the leading editorial in our paper, state paper today, which takes my scalp off this morning with this little curt statement to the effect that "Warner's proposal would strip the county and the mall of its benefits, and we hope such Congressional land-grab in Manassas ends with a Presidential veto. '

So there we are. And it is our job to see what we can to resolve this controversy, because I think it has been an honest effort by the parties to do it on their own, but they have thus far not succeeded.

Now, the Chair mentioned the House action. The Virginia Congressional delegation is largely split in the House on that question.

I mentioned the state's leading newspaper, which I think in a way comes down strongly, perhaps too strongly, on the right of the sovereign state to make its own decisions here and fails to recognize the responsibility of the Executive branch of our government, the Federal government, and the Congress to protect national interests like the national parks.

So this hearing, which I again thank the Chairman, and I asked him many times for the hearing, and he and Members of the Committee acceded to that request.

And I would also thank the Chair for traveling with me one day in a helicopter, and we went out and took an aerial survey, and I remember we both came back and bought that book and proceeded to read about this controversy and the history in some detail.

We are also confronted with the fact that the President says he is going to veto the House bill. I am not going to try and predict what the Senate is going to do and whether the House has got enough votes to override it. That remains to be seen.

But we also have the history of inaction by this body, the Senate, for four consecutive years, until in 1980, with the help of yourself and others, that I drafted a bill which was eventually adopted and became law and provided for a very substantial and important acquisition of property to the park.

One of the things I hope we learn today is why this particular piece of ground did not receive more attention at the time that we considered that piece of legislation, Mr. Chairman, because I do recall in the aftermath it was said, this is the last of the battles of Manassas.

It was then called the Third Battle of Manassas and it was over. But here we are today with equal seriousness, trying to resolve this situation.

Now, let us look at that history, because I think the history of the 1980 legislation, because it should provide some guideposts for where we are today.

Now had we not in 1980 reconciled the long-standing differences between the House of Representatives and the United States Senate, we would have seen a considerable amount of development in the interim period, comparable to what we are witnessing today.

But we act, and I hope that we use this hearing today and looking and reflecting back on that history to note the urgency we have got to do something.

Now, the Chair has indicated that you favor the House bill. I respectfully differ because I am concerned about that veto. And a veto would simply bring to a close any role by the Congress until we return sometime in February or March next year.

And in that interim, considerable development, which could be detrimental to the historic significance of the park, that development could take place unchecked, unabated.

Now, Mr. Chairman, as I view it, there are five entities, at least five that are parties to this controversy. First is the state, the sovereign rights of the state to decide for itself how it wants to plan its road system.

Second, a county is an integral part of state government, and its right to provide for its citizens, provide a tax base, and to pass those ordinances and other things that give guidelines to its citizens as to how to deal with the property.

It is the interest of the national park, there is the interests of the national park. Congress addressed that in 1980 and we are primarily back here by virtue of our jurisdiction over national parks.

The Federal taxpayer, one of the reasons I differ with the Chair on the House action is that we do not know how much a legislative taking would result. We do know from our experience in 1980 that we bought the Brawner tract, and I have the figures in my statement.

Mr. Chairman, I submit here, and I am not going to take up the time of everybody to go into all these points, but I cover the history of the Brawner tract and how the estimates came in that several hundred thousand dollars, and the government finally paid several million for this tract when it was finally concluded.

And lastly we have property owners, developers, they have rights, they are citizens. They have rights to act within the appropriate Federal and state and local laws and regulations. And also they have a right to know where this action by the Congress starts and stops.

We acted in 1980. I hopefully believe we will act again here in 1988. But is that the end? What about other property owners around this historic park?

How are they to treat their lands, which they can rightfully develop or live on in peace and quiet, and farm land or whatever they want to do, providing they do it in accordance with Federal and state and local law?

So there are a lot of people that have interest in this and I urge the Committee to consider all of these five entities very carefully.

Now, I would like to have had a bill today, but I simply did not have the resources technically and otherwise to put this bill together. And I would like to work with this Committee in developing that bill.

And I suggest we proceed, assuming that there is sufficient interest in the Committee to do something besides the House bill, and I urge that we proceed along four guideposts.

One, to have a legislative taking of a certain piece of land, recognize that Stuart's Hill and a certain buffer zone where Longstreet massed his troops, the best evidence that I can gather is that it is about 136 acres.

And let us incorporate that in the legislative taking and figure out as best we can what the value is, and let the taxpayers know the consequences when the bill eventually has to be paid.

Secondly, we should allow the development of the balance of the tract, but development consistent with the plans that were considered in a public hearing in April of 1986.

Apparently they reconciled the interests at that time. There was no mall in that plan, and therefore I suggest that appropriate language be incorporated in any legislation that we have that would revert back to the extent of the development, as represented publicly and approved by the county in 1986, which would not include a mall.

The third part of the legislation——

Senator DOMENICI. May I ask a question, Mr. Chairman?

Senator BUMPERS. Senator Domenici, we are going to have to vote at 2:30, and I certainly want to accommodate you. Do you have to leave?

Senator DOMENICI. I will not be back after 2:30. I have a bill up on the floor.

Senator BUMPERS. Well, with that understanding——

Senator **Warner**. Let me just finish up, Pete, and I will be finished in a minute, and then we can go to questions.

The third part, let us have a study as the House bill. I adopted part of the House bill to study the overall transportation problems there. And in particular, what would happen if we closed certain roads in the park, the impact on the state and Federal system. So let us take a look at that.

And lastly, I think we ought to give $11.9 million to the State of Virginia to go ahead with an interchange. That interchange would allow reasonable balance between the traffic problems incurred by the anticipated development under my plan and the future closing of roads in the park, which I hope is achieved, and therefore do the best we can to resolve what is absolute gridlock at this time in that transportation system, in that general area.

Bearing in mind, Members of the Committee, that this committee and others have worked on the 1989 bill for the Department of Interior, and the total bill that the Congress is now considering for all national parks, some 334 parks and park sites, is $52.6 million.

And the House bill, I do not know where we will come out on this legislative taking. It could be a size $50 million or $60 million. And so I ask you, is this one acreage of ground, while it is important to me and I would like to see if it were possible for the whole thing to go to the national park.

But I have got to sit here as a pragmatic and realistically and say, when you look at $52.6 million for all the national parks and sites, can we justifiably go before the Senate and say we want perhaps as high as $50 million to $70 million for this one site, a site which was not the subject of a great deal of consideration in 1980.

And I will close off my statement at that point, Mr. Chairman.

[The prepared statement of Senator Warner follows:]

DRAFT
STATEMENT BY SENATOR JOHN WARNER
ON H.R. 4526,
MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS

Chairman Bumpers and members of the Committee, I sincerely appreciate your holding this important hearing so soon after the Senate has returned from the August recess.

The bill from the House of Representatives, which is the focus of this hearing, authorizes a "legislative taking" of the 542-acre William Center property adjacent to the Manassas National Battlefield Park.

I request that the Committee conduct a broader examination of this problem before finally deciding on the House recommendation of a "legislative taking" as the recommendation of this Committee to the Senate as the "solution" to controlling development pressures near this Park. It is imperative that this be done because the President has unequivocally indicated he would veto the House bill. A veto, while justified from the likely excessive cost to the taxpayer in the House bill, would be disastrous to the present and long-term historical interests of the Manassas National Battlefield Park.

Under the leadership of Congressman Wolf and other House members, their bill was given extensive consideration and was adopted with a strong vote. Nevertheless, the Senate is on notice it will be vetoed. Therefore, I urge the Committee to examine alternatives. I stand ready to work with members of the Committee, the professional staff, and other experts from the National Park Service and historic preservation groups to bring together the best technical minds to draft a bill, along the lines I outline today, for the Senate to consider.

To assist the Committee, I recite below an analysis of the House bill, the history and parameters of the Manassas Battlefield problem, and my own legislative recommendations.

Now is the time -- today -- for a reconciliation of views on this matter so that we can forge an equitable solution which protects the park and permits some economic development. Time is running out! Bulldozers are creating irreversible situations! A veto of the House Bill is a reality. Therefore, let us begin a process of compromising today!

LEGISLATIVE TAKING: A "legislative taking" as recommended by the House allows the government to take immediate control of the land upon enactment and compensate landowners at a later date. This rarely-used process was utilized most notably in 1978 for the Redwoods National Park in California. This case is a striking example of how the cost estimates which influenced Congressional action -- the "legislative taking" -- fell dramatically short of the ongoing costs still being borne today by federal taxpayers.

Given this precedent, I strongly urge the Senate to carefully weigh this case before subjecting the taxpayers with another excessive bill at a subsequent date. We cannot, in good conscience, allow the "legislative taking" process to become a routine means of federal land acquisition.

The Senate must fully assess the complex aspects of this Manassas situation and determine if a "legislative taking" of the William Center property is in the best interest of the federal taxpayer and the preservation of the Manassas National Battlefield Park.

There seems to me to be at least three essential requirements Congress must consider before exercising this extraordinary power of a legislative taking. In my view, only one has been established; the other two are undetermined because of the wide diversity of evidence available to date.

1. Time urgency. This requirement is established. Unless Congress acts now the entire tract will be developed to a point where action by a subsequent Congress would be unlikely.

2. Historical significance. Has the importance of the "entire" tract -- I repeat "entire" -- as intended to be acquired by the House bill, been established? While there appears to be a consensus of opinion on the historical significance of a portion of Stuart's Hill where General Robert E. Lee made his encampment during the Second Battle of Manassas, and on the northern portion of the property where General Longstreet began his attack, there remains a diversity of viewpoints among credible historians on the amount of acreage comprising this area. Secondly, there is extensive diversity among historians about the value of the balance of the property.

3. Cost to taxpayers. These estimates are essential to a decision to exercise a "legislative taking". To date, I have received the widest possible range of opinions. A case can be argued for costs ranging from $15 million to $75 million to add the entire 542 acres to the Park. We must reach some conclusion on the eventual cost to the taxpayers.

It is my view that the Committee must reach definitive answers to both points 2 and 3 before further considering the extraordinary action of a "legislative taking".

As you know, the Department of Interior went on record in opposition to this bill before it was considered by the House of Representatives because of its expense and its precedent-setting land acquisition procedure. I am advised they will repeat this position today.

(See exhibit #1, Department of Interior statement.)

The Secretary has made it abundantly clear that he will recommend to the President that he veto a conference report which closely parallels the House Bill.

Unfortunately, since the House action, no movement towards a compromise has been achieved by the parties involved. This Senate hearing must provide the impetus for negotiation and compromise.

I am deeply concerned that unless the Senate fashions a compromise that can be supported by the President, the collective efforts of many to devise proper protections for the Park will have been in vain.

The earliest the Congress will be able to revisit this issue will be February or March 1989. Throughout this period construction can continue.

I believe a brief review of the legislative history on the issues involving the last Manassas Battlefield expansion bill (1980) will give a clearer understanding of the issues today.

Prior to 1979, the House of Representatives passed legislation five times to add contiguous properties of significant historical value to the Park. By inaction, the Senate blocked action each time.

Finally, in 1980, with the cooperation of the Virginia Congressional delegation, the Prince William County Board of Supervisors, historic preservation groups and interested citizens, many of whom are here again today, I sponsored legislation, which became law, compromising the five years of controversy between the House and Senate. This legislation expanded the Park by 1500 acres, from 3000 acres to its present authorized total of 4,520 acres.

The 1980 legislation was an equitable compromise, which maximized historical and environmental considerations and minimized economic losses to the community and to private landowners. All parties involved considered this bill to be a final resolution of these long-standing controversies which would last for an indefinite period. But, of course, that was not to be for we are back before the Congress again with a controversy of equal or greater passion.

In performing its responsibilities, I urge this Committee to receive evidence from at least the following:

- the National Park Service;
- the State of Virginia;
- the Prince William County Board of Supervisors;
- the National Trust for Historic Preservation and other historians;
- the U.S. Army Corps of Engineers; and,
- numerous interested citizens groups and individuals who own the properties in question and others expressing views on the ownership and development of property.

From the beginning, I have been sincerely searching for an equitable solution to this problem, one which will protect that portion of the property historians agree to be significant to the understanding of events involving the Second Battle of Manassas, and one which will allow for some mix of residential and office park development that always has been envisioned for this property and which is needed by the County. Such a solution would represent a substantial saving to the federal taxpayer in comparison to the House Bill.

When I recall the circumstances surrounding the proposals to expand the Manassas Battlefield when I arrived in the Senate in 1979, the focus of attention was on the amount of property from the Brawner Farm tract immediately across Route 29 from the William Center property to be included in the Park.

Whether, prior to my involvement in this Park's expansion proposals it had been decided that the William Center tract was not as critical to the Park as other properties, or whether because of the County's long-standing plans to retain this tract for commercial development, the legislative history reflects little or no mention of the historical importance of this property during the 1980 Senate Energy and Natural Resources Committee hearings.

This new-found recognition of a portion of the property aside, clearly what was understood by everyone involved with the Battlefield expansion during 1979 and 1980 was that the William Center property would be developed in some way that would be compatible with the historic interests of the Park.

The core issue today is the role of the federal government in a dispute which involves not only a federal interest -- a national park -- but a dispute which also involves a local government's land-use decisions and a state's right to plan, finance, and construct its highway system. The division of the traditional responsibilities of each -- Federal, State, and local -- must be borne in mind.

This problem involves -- at least -- five main interests -- each of which must be weighed fairly.

FIRST: The sovereign right of a state. The State of Virginia has jurisdiction over the roads in and around the Park, and is obligated, in some cases in conjunction with the Federal Government, County Government, to maintain and improve them.

SECOND: The Prince William County is an integral unit of government. It must be given a fair review of its decisions affecting its citizens, its tax base and obligation to provide basic, affordable services, and its plans for roads and economic development in the area.

THIRD: The historic and scenic integrity of the Manassas National Battlefield Park must be preserved. This is clearly a joint obligation of the executive and legislative branches of the Federal Government.

FOURTH: The federal taxpayer. They are jointly represented by the Executive and Legislative branch of the Federal Government. We must clearly define the priority resource and transportation needs of the Park and match those needs to the federal government's ability to pay for them.

FIFTH: The owners of the property who may exercise their rights within our American free enterprise system to purchase property and plan its development in accordance with federal, state and local regulations must be recognized and given fair and appropriate consideration.

The question before us today remains the density and composition of development now proposed, is compatibility of such a development with the Manassas National Battlefield Park. Couple this with the extent we believe a cost reasonable to the taxpayers and this constitutes the extent to which Congress should be involved.

It has been represented to me that when the Hazel/Peterson Company originally presented (April, 1986) plans to Prince William County to develop this property, the proposal specified that a portion be for single-family residences, a portion for townhouses, a portion for an office park and a small (120,000 square feet) community shopping area to accommodate the businesses and residences on the property. There was no large retail shopping mall proposed in this concept plan presented in April, 1986.

(See exhibit # 2. Illustrative Concept Plan (Draft), April 1986.)

It was this concept that was presented to the National Park Service for comment on the relationship to and potential impact on the Battlefield.

(See exhibit #3. National Capital Planning Commission statement.)

It was this concept that was presented to the public for its review and comment. That public involvement, therefore, was extensive.

Consequently, it was this concept of development which was agreed to by the Park Service and interested citizens in the area.

It is this concept of development -- residences, office park and minor retail -- that I believe should be now be the centerpiece for a compromise between the parties.

It is this concept of development, which does not permit a shopping mall, that is the foundation for my legislative proposal that I present today, and which I believe should be the foundation of any legislative proposal reported by this Committee.

I oppose the construction of the planned 1.2 million square foot shopping mall on the William Center tract because it would be incompatible with the preservation of the historic and scenic integrity of the Manassas National Battlefield Park as envisioned in my 1980 legislation.

LEGISLATIVE COMPROMISE

While I agree there are merits to the House bill relating to transportation issues, which I have included in my proposal, we must be pragmatic and forge a solution that protects the Park and can eventually become law.

To ensure that development of the William Center keeps faith with representations made at this Committee's 1980 hearing and with concepts presented to the public and the National Park Service in April, 1986, my legislative proposal embodies four fundamental provisions.

1) The National Park Service will acquire through the "legislative taking" process, 136 acres representing Stuart's Hill where General Lee made his headquarters during the Second Battle of Manassas and a suitable buffer to be defined by the National Park Service along the northern portion of the property parallel to Route 29 representing a major portion of the formation of General Longstreet's troops for the Manassas National Battlefield Park.

   I have selected this limited acreage because I am advised by historians that significant events important to the Second Battle of Manassas occurred on this portion of the William Center tract. I welcome comments from the historians who will testify later during the hearing on their views on this point to determine the accuracy and appropriateness of the 136 acre figure.

2) Development on the remaining portion of the property not acquired by the National Park Service will be compatible with the concept of development envisioned by Hazel/Peterson Company in the Illustrative Concept Plan (Draft), April 1986. It was this plan which was presented to the public and the National Park Service for comment during the public hearing process and which the public believed would occur on the property. This site plan showed an office park, residences and minor retail, but it did not depict the large shopping mall which has been the focus of so much controversy.

3) I concur with Section 4, part A and B, of H.R. 4526 relating to the transportation issues. This provision will accomplish the first comprehensive study of the transportation needs of the area concerning closing Route 29 and Route 234 through the Park and addressing the alternative transportation routes that will be needed.

4) My proposal further provides $11.9 million (new money) for the State of Virginia and Prince William County to proceed with the proposed construction of an interchange with Interstate 66 with reasonable access to the William Center tract. This interchange has been planned by the County for 14 years and it remains its Number One transportation priority.

The State of Virginia would ordinarily fund this interchange from its Interstate 4R funds from the Federal Highway Administration. Under existing law the financing of the project would be 90 percent federal and 10 percent state. The interchange is anticipated to cost $13.2 million; 90 percent of that amount is approximately $11.9 million.

I believe these four provisions should be the foundation of a legislative proposal to ensure the protection of the Manassas National Battlefield Park by including historically sensitive properties, conforming development on the remainder of the property with concepts presented during the public hearing/rezoning process, and requiring a comprehensive review of the transportation alternatives in the area.

In my opinion, these provisions reflect the views expressed by the public and the Park Service on the type of development they believed could be accommodated on the property.

These provisions recognize the economic interests of the County and the owners of the property.

These provisions provide for a reasonable amount of immediate protection for the Park by adding 136 acres upon enactment, and provide for future protections by limiting development and devising a comprehensive transportation plan for the area.

And, these provisions reduce the cost to the federal taxpayer.

A full "legislative taking" of the entire 542 acres of the William Center property requires a significant investment of federal dollars for one national park that has already received $6.8 million since 1980.

I am advised that estimates for acquisition of the William Center tract vary from $15 million to $75 million.

The price, to be determined by court settlement, could easily go higher. (See record of the recent purchase of the Brawner Farm under the 1980 Warner-Harris bill which was appraised at $812,000; however, a court awarded the landowners $4.2 million for 312 acres).

As I have said before on the Floor of the Senate, this single land acquisition could well exceed the total annual funds appropriated by Congress for land acquisition by the National Park Service for the entire nationwide park system of 334 parks and sites. The FY 1989 Interior Appropriations conference report, which will soon be before the Senate, recommends $52.6 million for land acquisition for the entire national park system.

Lastly, we must consider the future. The 1980 legislation was thought to be the last "major" acquisition to the Manassas Park. If a legislative proposal, such as mine becomes law, once again further extending this national park into the heart of the economic geographic base of Prince William County, we must ask ourselves is this the end? There remains considerable underdeveloped property in the immediate or adjacent areas. What obligation do we have to the Park, the County, thes owners as to the future?

Mr. Chairman, and members of the Committee, I urge you to carefully consider the legislation proposal I have presented as a fair and equitable solution to this specific case of development pressures next to one of our nation's most treasured natural resources.

I also welcome the comments of witnesses who will follow me today. I continue to be open to suggestions on my proposal and I remain willing to explore other proposals to resolve this dispute.

# # #

Senator **Bumpers**. Senator Domenici, in deference to you.

Senator **Domenici**. I only had one clarification. I really do not intend to take much time.

You alluded to the land use provision that you want us to adopt for a moment there, that is a county zoning plan?

Senator **Warner**. Well, the developers came to the county in April of 1986 and laid out a program to develop this tract.

There were extensive public hearings. And basically everybody compromised and said, the historians likewise said, all right, if it has to go, it has to go. And that was it. And the problem that we are really witnessing today was generated by the later incorporation of a giant mall which, as I understand, technically came within the parameters of the zoning.

And then that sparked this controversy that we are addressing today. And so I suggest we go back to that April of 1986 proposal and basically follow that. And that gives to me, in my judgment, a balance between the interest in the county, the interests of the property owner, the interests of the national park, and it provides a substantial savings to the Federal taxpayer as compared to the House bill.

Senator **Bumpers**. Senator Warner and Members of the Committee, I would like to have Senator Trible give his testimony at this time, and then perhaps after that we will be voting and come back and get into questions and answers. I have a few questions, Senator Warner, on your plan.

Senator Trible?

STATEMENT OF HON. PAUL TRIBLE, U.S. SENATOR FROM VIRGINIA

Senator **Trible**. With your leave, I would like to sit with the Committee and hear the testimony.

I want to thank you for calling this hearing so that we can hear from all of the parties. I have a preliminary view of what we should do. I want to hear from all the witnesses today, and ask them appropriate questions.

Before this day is out I will be happy to share with the Committee my sense of what actions should be taken.

Senator **Bumpers**. That is fine. Senator Warner, let me ask you if you have any idea, and let me say this, I am not as knowledgable about your proposal as I will become.

But as I understand it, you are proposing a taking in fee through legislation of about 136 acres?

Senator **Warner**. That is correct, Mr. Chairman.

Senator **Bumpers**. And that would include Stuart's Hill, and what you said a moment ago was essentially the area where Longstreet amassed his forces on the south side of that tract.

Two questions. First, I also understand that you are talking about taking some sort of an easement over the balance of the Prince William tract.

And secondly, I have been told by the park historian that Longstreet was massed all the way from just the south part of the Brawner tract, across the Prince William tract, and south of what is now Highway 66.

And the second question would be, if there is historical value to the fact that not just Lee's headquarters were on Stuart's Hill but that Longstreet's forces were along there. And I understand there was also a forced reconnaissance maybe on the 28th or I guess 29th of August on what is now the Prince William tract.

So my question is, why do you attach more significance to the 136 acres on the southeast corner there, or southwest corner, than you do the north part of the tract? And my second question is, do you have any idea what that easement would cost?

Senator WARNER. No, I do not, Mr. Chairman. And primarily, the significance is General Lee's headquarters were on that hill.

So it is a combination of the headquarters and where Longstreet had his formation. And I just tried to strike a reasonable compromise, Mr. Chairman.

You know, I am very proud of my state and I can show you places all through Virginia where Lee traveled, Lee had headquarters, troops were formed, and you are beginning to talk about a considerable portion of Virginia and Prince William County.

Now, I would like to see more and more land go into this park. I support it, but I have got to balance the interests of the county and the citizens and also the Federal taxpayer as we try and strike a compromise.

Senator BUMPERS. Senator Warner, I misspoke myself a moment ago. The staff tells me now that the 136 acres incorporates Stuart's Hill plus sort of a longitudinal area along the north side of Prince William tract. Is that correct?

Senator WARNER. That is correct. Where the Longstreet formation took place.

Senator BUMPERS. Do you have any assurance or any reason to believe that the President would sign a bill such as yours?

Senator WARNER. I do not. I spoke with the Secretary of Interior as late as yesterday. Either he or his representatives will speak today.

All I know is it is unequivocal, the President's message, with respect to the House bill. And I am deeply concerned that if we do not act here in the Senate, and do not act in a way that we can combine in both houses and provide a law, that we may well see a situation parallel to that one I witnessed and others in 1979, 1980, 1981, that is stalemate between the two houses.

Senator BUMPERS. Senator McClure?

STATEMENT OF HON. JAMES A. McCLURE, U.S. SENATOR FROM IDAHO

Senator McCLURE. Mr. Chairman, I do have an opening statement. However, I would ask unanimous consent it be made part of the record at the appropriate place.

[The prepared statement of Senator McClure follows:]

Statement of Senator McClure

H.R. 4526, Manassas National Battlefield Park

Thank you Mr. Chairman.

H.R. 4526, as amended, would direct a legislative taking of the 600 acre William Center tract, an area located next to the southwest boundary of the Manassas Battlefield and currently zoned to permit construction of a shopping mall and other related development.

In addition, H.R. 4526 directs the Secretary to work with the state and local governments to encourage preservation of the scenic viewshed of the Battlefield through zoning and other measures.

Last but not least the legislation before us directs the Secretary to conduct a study in consultation with the federal highway administration, the state and Prince William County regarding highways 29 and 234 in, and in the vicinity of, the Battlefield. Specifically, the study shall consider and develop plans for the closure of the roads within the boundaries of the Battlefield as well as determine and/or designate alternative routes around the historic site.

H.R. 4526 also authorizes 30 million dollars for the Secretary to pay up to 75% of the costs of relocation of alternative routes designated by this study.

I also understand my esteemed colleague from Virginia, Senator Warner, who was most active and instrumental in resolving the issues concerning Manassas in 1980, has some suggested alternatives to this legislation which we will be able to review shortly.

My initial reaction to the legislation, quite frankly, is there is simply not enough money to do what is mandated by H.R. 4526.

We have heard cost estimates for acquisition of the William Tract from 13 million to 100 million dollars. In fact we do not have an accurate estimate of what this property will cost the tax payer. Moreover, we in fact do not have knowledge that the entire 600 acre tract is nationally significant as it relates to the two battles fought at Manassas. Certainly a portion of the Williams Center Tract was significant in the battle, but it is my understanding that the developer is proposing to protect that portion.

But at some point the boundary has to be drawn. And at that boundary you have to recognize you can no longer control what happens just outside the boundary.

If you want to start talking about buying up property to protect visual values, then I want to remind my fellow Senators that in some areas you can see for miles. Moreover, the cost of acquiring scenic easements is nearly as expensive as acquiring fee title. If you are going to try to control everything that happens within the visual horizon of a park boundary, then you can see the federal treasury is just not large enough to accomplish the task.

I am very concerned that passage of this legislation will set a precedent with regard to numerous other national battlefields, historic sites and parks throughout this nation those that are slowly but surely becoming victims of "urban encroachment".

It is my hope this hearing will produce some sound and reasonable alternatives to the legislation before us while protecting the historical and environmental qualities of the battlefield and minimizing economic losses to the community and private land owners.

I do truly appreciate the concerns of those advocating purchase of the William Tract and the extraordinary efforts of those striving to protect the integrity of the Battlefield. We need to closely examine the issues, merits, and proposals toward protection of important historic sites adjacent to the park boundaries, but in the content of the priorities of the entire park system and the limitations of the budget.

Senator McClure. Mr. Chairman, my concern with this is where do you draw the boundary and where do you stop? If I recall correctly, the Civil War was fought over a large part of the Eastern United States and are we going to be constantly going back and adding new portions or new units to National Parks?

I served as Chairman and am now the ranking Minority member of the Appropriations Subcommittee that deals with the appropriations for these matters. Two years ago we had about 160 requests from individual members of the House and Senate. Last year we had over 300.

This year we had 1,700 requests from individual members of Congress for individual expenditure items falling within the purview of that subcommittee. Spending in that subcommittee has held relatively static for the last six years, and it has held static while other expenditures by the Federal Government have risen.

I have just had the pleasure of corresponding with our colleagues in the Senate and in the other body who have made requests that we could not accommodate in that bill. I think I sent you one of those letters.

Senator Bumpers. Surely not. [Laughter.]

Senator McClure. I am afraid I did and the reason I mention it is that we simply do not have enough money to keep the promises we have already made. If the expenditures on this proposal are anything like the estimates we have, whether it be by scenic easement or purchase of all of the property, there is not enough money to pay for it.

I do not know who is kidding who around here. There is not enough money to pay for it. Now we can do a legislative taking that means that this proposal and this tract will take precedence over every other proposal that has been made and every other authorization by the Congress that has been passed and signed by the President.

We have now somewhere on the order of $2 to $3 billion of backlogs. Backlogs being those promises Congress has made in the past. At the rate of $50 million a year, how long is it going to take us to catch up with the promises we have already made?

And that's by way of saying to my friends here that we have to be very, very careful, as we look at each individual proposal that comes before this Subcommittee, and determine what our true sense of priority is.

And I recognize that the people who live in the vicinity of Manassas National Battlefield have very real concerns, and they do not give a hoot about what the rest of the nation thinks about the rest of the problems. That is a fair reaction on the part of people and I do not condemn them for it.

But we sitting here are going to have to keep in mind what that $2 to $3 billion of backlog is and whether we can keep all of the promises we have been making, Mr. Chairman.

I am not saying that we are not going to do anything here or that we just brush it aside, but it is a way of saying that you cannot solve every local development problem by turning to the Federal Government for an addition to a National Park system.

We do not have the money to do it, and we are not going to have the money to do it. I do not care who is elected President in the next election. I do not care what kind of a tax structure we have. It is not going to solve that problem.

There is not enough money to do all that is being requested. I look at areas like this and recognize that the battle was fluid. It shifted over a large area of ground. We have been pretty well up until now trying to preserve the essence of the setting of that battle that was fought so many years ago.

But we cannot do everything that anybody might wish that we would do, whether it is buffer zones around the area or a particular place where somebody was at a particular point in the preliminaries for that battle or in the retreats from it. We could follow this clear across the South.

We are not going to do that and nobody is suggesting it, but there has to be a boundary drawn somewhere and that boundary has to be relatively durable, or we are going to be met with the demands by people who are concerned about peripheral developments all the way through.

And I have been at this for too many years to forget the battles we had as we attempted to forestall a subdivision on the edge of Valley Forge.

And I fought to preserve that viewshed up the valley, and I just happened to run into a guy named Hugh Scott who was then the Minority Leader in the United States Senate, and I lost that battle. I was a freshman and he was the Minority Leader and guess who won?

We did not preserve the viewshed, but I learned something in that process. That process is similar to this one, except that the viewsheds were much more limited there. We had much less opportunity to preserve much.

We have got a great deal of opportunity to preserve a great deal here, which means not that we will be asked to do less but that we will be asked to do more, because there is more left to protect.

I would remind people that you can see for miles. If we are going to protect everything in sight of the battlefield, we have a monumental task ahead of us.

And I do not believe that there is enough money to accommodate this current request, let alone all that may be dreamed up in an effort to change what for many people is a traumatic development in Northern Virginia, one of the most rapidly growing areas in the United States in terms of population and impact of growth of population.

For a lot of people that is good; for another great many people that is not an unmixed blessing, to put it mildly. So the pressures around Manassas, in my view, are going to grow, not decrease, and whether this proposal is adopted or not is not the end of the controversy.

But I will guarantee you, if this proposal is adopted, it is only the opening of a long series of such battles over the next several years.

And again, Mr. Chairman, I hesitate to take this much time by way of an opening statement, but I will listen very carefully. I am extremely concerned that anyone listening to the deliberations before this Committee be mislead in the belief that somehow the Federal Government and its treasury can solve this kind of a local problem in an area that is growing as rapidly as Northern Virginia is.

We simply do not have enough money, in my judgment.

Senator DOMENICI. Would the Senator yield?

Senator McCLURE. I would be happy to.

Senator DOMENICI. I have to go to the floor. I told the Chairman that, and I think I am already five minutes late.

Senator BUMPERS. Incidentally, the vote has been postponed until 3:10.

Senator DOMENICI. We are going to take up the Treasury appropriations, and I have to go manage it. Can I just say this?

I could not possibly state my position as well as you have, Senator McClure, but I concur in your observations and I would add only one thing, and it is a question.

I would ask those who are here asking the Federal Government to acquire this land and to adopt the House bill, just one question. Had the developer of this land not proposed this mall, would you be here asking us to acquire this land, this 600 acres, for an addition to this park?

I have to be convinced that that is the case. If it is not, then it appears to me it is not our problem, it is yours.

Senator BUMPERS. I have already taken my questions. I would say this. I was speaking at the University of North Carolina commencement this year and those things have a way to drone on and on, and my host was seated beside me and he was telling me about a conversation he had with President Reagan in 1981, on the B-1 bomber.

And he said, you know, Mr. President, if you think that we have to have 100 B-1 bombers and without 100 the Russians are going to come up the Potomac River and get us, then I am all for it. Count me in.

But if you think we might be able to deter the Soviet Union with, say, 97 instead of 100, and you give me the money for the cost of the other three, you would be amazed what I could do for education in this country.

And, you know, just the tail section would probably take care of this proposal right here. Senator Fowler?

Senator FOWLER. I pass at this time.

Senator BUMPERS. Senator Conrad? No, excuse me. Senator Wallop?

Senator WALLOP. Mr. Chairman, I have an entire statement that I would like to have inserted in the record.

[The prepared statement of Senator Wallop follows:]

Statement by Senator Wallop

This is a very difficult subject and I want to thank the Chairman for scheduling this hearing. There has been an enormous amount of attention given to Manassas, and I think it is useful that the Committee has scheduled this hearing to review not only the solution offered by the House, but also the other concepts developed by the Secretary, Senator Warner and others. I regret that we approach this issue so late in the session, but I do hope that we can have a full discussion.

I am troubled by a legislative taking. It is an extraordinary remedy which avoids the Appropriations Committees. A legislative taking commits us irrevocably to an unknown expenditure for a particular tract of land. There is no opportunity for the Appropriations Committee to decide if that commitment represents a wise decision with respect to priorities or whether that remedy is in fact warranted. The normal authorization, assuming the Congress agrees that the tract should be acquired, leaves the Appropriations Committee with the decision as to whether funds should be allocated, and how much. It also leaves those charged with appropriating funds the option to agree to the filing of a declaration of taking if that is necessary. The Appropriations Committee can determine whether sufficient funds are available to make that similarly irreversable commitment. That does not mean that we should never recommend a legislative taking, but only that I think there is another Committee which should be consulted because we are preempting their role in this process.

I have another concern, and that is over all the inholders within authorized units of the National Park System who have waited year after year for the federal government to acquire their land. Many of these people truly love the area they live in, and many were strong advocates to have the area preserved for future generations. Those people are put on a permanent hold because they refuse to jeopardise the resource. They are not a threat so they will not be acquired. I remember the last time we debated Manassas, and that had a threat, I believe, of a cement plant. I sincerely hope that we are not sending a message to all parties that they need to obtain rezoning permits, or give notice that they will desecrate the area if they are not acquired. That is a real concern. I wish we had the fiscal resources to deal fairly with all the people who have had their properties held hostage by inclusion within a park unit. Their properties have been taken and their only obligation is to hold them pristine and pay their taxes until Congress gets around to them.

None of these concerns is entirely dispositive of the legislation before us, but I think they are legitimate concerns which the Committee will need to bear in mind, and which I hope the witnesses will consider. There is no question that the battles of Manassas are important. So also is Antietam, Gettysburg, Bunker Hill, and all the other units of the System. We have natural areas which are threatened, and we have historic sites which are also threatened. WE have significant demands on our resources simply to maintain and rehabilitate what we have. We have a backlog of acquisition which is out of sight. Should Manassas leap ahead of all other areas?

I think we also need to keep the experience of Redwoods in mind when we consider exactly what the costs of this measure will be. I do not think the Congress is about to agree with the position of the Department on fiscal impact that enactment of this legislation will constitute a legislative reprogramming of virtually all the funds included in the Interior and Related Agencies Appropriations bill. I think we are in for another surprise when the final tally is in. The House has sought to limit the interest on the final award, but if the court adopts the prudent investor standard taken in Redwoods, this could be a very expensive package. The Congress in 1978 thought it was enacting a legislative taking which would cost in the neighborhood of $360 million. I remember Congressman Burton's comment that "it's only money". The cost right now is over $1.4 billion and rising. I don't know what Congress would have done in 1978 if we had known that the cost would be $1.4 billion. Based on our experience in 1968, we sought to limit the cost. We failed miserably. I do not want to discourage the supporters of the House measure, but that is one very good reason why the Appropriations Committee needs to be involved.

I also think the Committee needs to consider the status of other adjacent tracts to Manassas. Are we simply setting up new legislation for other adjacent tracts which might also be of some importance to a full interpretation of the battles of Manassas. It would be nice if battles were carefully contained, but unfortunately neither army considered our problem when they ranged over Northern Virginia. Perhaps thirty years ago we could have acquired more land. Hindsight is a wonderful thing. We have lost historic sites because we were too slow and we have built a backlog of acquisition which makes additional acquisitions almost wishful thinking. I regret that very much. I sincerely wish we had the resources to acquire and protect all that we should so that future generations could enjoy what we have had. We have spent more on fighting fires which should have been put out long ago than it will take to acquire this site. That is also a decision which it is too late to reverse at this point, but resources are finite and priorities must be decided.

I look forward to the testimony and I hope that the witnesses will address my concerns. I do hope that a viable solution can be reached which is fair to all parties, which protects the integrity of a major Park unit, and which does not send a message to all inholders about how to have your land acquired. I am particularly sensitive to that last point because I know people who love their land and who have been dealt with very badly by their government. We have promised and we have not delivered. They have a very legitimate interest in the outcome of this legislation.

STATEMENT OF HON. MALCOLM WALLOP, U.S. SENATOR FROM WYOMING

Senator WALLOP. I would just make a couple of observations. One is I am really troubled by the thought of a legislative taking. Two, I am even more troubled with the thought of what happens to all the good people around the country whose properties we have already authorized to be parts of the National Park system, who go continually to the end of the line.

And the lesson to them is, these are people who care about their land, who care about their responsibilities, and who sit there, unpaid, with the property whose only privilege they have is to pay the taxes on it. They cannot build on it and they cannot sell it to anybody else, and somebody else cannot build on it.

And we are somewhere in the neighborhood of a $4 billion backlog on these good souls. And so the lesson to them is, stop taking good care of it, then threaten it, and you will get paid. You will move to the head of the line. And I am not certain that is a good principle to enshrine here, though it would not be the first time we have.

I'm also concerned about the lesson that comes with legislative taking. I think we need to keep the experience of the Redwoods in mind when we consider exactly what the cost of this measure will be.

I do not think Congress is about to agree with the position of the Department of the Interior on the fiscal impact that enactment of this legislation will constitute a legislative reprogramming of virtually all the funds included in the Interior and related appropriations bill.

So I think we are in for another surprise when the final tally is in. The House has sought to limit the interest on the final award, but if the court were to adopt the prudent investor standards taken in Redwood, this can be an extraordinarily expensive package.

Congress, in 1978, thought it was enacting a legislative taking which cost in the neighborhood of $360 million. I remember a Congressman Burton and his comment in the conference, that it is only money. The cost right now of the Redwoods is $1.4 billion and rising.

Senator MCCLURE. That is just that portion.

Senator WALLOP. A $360 million legislative taking has risen to $1.4 billion. And I do not know what Congress would have done in 1978 if we had known the cost was going to be $1.4 billion, but I can flat guarantee you that somebody would have contested Congressman Burton's statement that it is only money.

That is basically what I am saying, Mr. Chairman. I am worried about all the other Americans whose property has been taken, who sit there and wait for Congress to get around to paying them. It is worse than taking. It is a sentence.

In effect, we are telling them that they continue to pay taxes on a piece of property that they do not, in effect, own and cannot, in effect, benefit from until Congress gets around to doing it.

And what we are doing here is moving somebody all the way to the head of the line, and other people are threatened, other views are threatened, other consequences are out there which are every bit as grave as this one, and I wonder how we put a priority on them simply because it is close to the Capitol.

All of them are important and I do not deny the importance of the battles of Manassas. I am told as well, though, that some of the more important parts lie to the North and West of this site. But be that as it may, we will develop that in question. Mr. Chairman, those are my concerns and it is not the first time you and I have talked of these concerns.

Senator **Bumpers**. Thank you, Senator Wallop. Senator Conrad?

Senator **Conrad**. Mr. Chairman, I, too, think this is a matter of priorities. I have been following this issue with great interest in the local news media, and I must say I have been troubled by it.

And I have been troubled because I see a proposal that the House has passed that costs perhaps $100 million. I see Senator Warner's proposal that costs $50 to $60 million.

Senator **Warner**. Senator, mine would not cost that, I do not think. Hopefully, it would not.

Senator **Conrad**. Do you have an estimate?

Senator **Warner**. I only take 136 of the 500 plus acres, and the only additional money I asked for which I think is justifiable is about $12 million for construction of an interchange.

The scenic easement will result in some cost to the government, but it is far better than the House bill. I would think the cost of my bill would be less than half of what the House bill is. But that is one of the problems. You cannot get a hold of the cost.

Senator **Conrad**. Well, let us say it is half. The House bill is $100 million and yours is $50 million, at a time when in the country we are spending $50 million a year for the entire country; the entire country, $50 million.

In the House bill, we are asking for $100 million for this location, when this park has already been expanded twice. We are already at 4,200 acres at this site.

And I recognize the value and historic significance of this battlefield. There is no question in my mind that if we could do all things we would like to do in this country, this site deserves to be preserved. I do not argue that.

But I look at the situation we confront. We are spending $50 million on the whole country and the House estimates are $100 million on this site; the Warner bill, perhaps $50 million on this site, when the park has already been expanded twice. Where do we stop? And I am very troubled, as a member of this Committee, to be asked even for the Warner proposal, frankly.

I do not know what we tell the rest of the country. I really do not know what you say to the rest of the country. And so, Mr. Chairman, after following this I would like to see the interested parties go to a room somewhere and see if they cannot work something out, because I really question whether it is proper that this problem be dumped in the lap of the Federal Government.

It seems to me the Federal Government has already acted, acted twice, and within the limits of its resources acted responsibly. And so I think a very, very high test is going to have to be met for this Senator to be willing to participate in additional expenditure of Federal resources with this set of facts.

Senator **Bumpers**. Senator Conrad, perhaps my opening statement should have been more detailed in some of the features of the House bill and the alternatives and so on.

But the record will later reflect, and for your edification now, maybe you already know that this property was bought in early 1986, I think, for $8 million, and it is now on the tax books at $13 million something, $13 plus million, and I have heard all these figures of $50 and $100 million bandied around and I do not know where they come from, frankly.

I suppose—I was a trial lawyer and I tried a lot of condemnation cases. I must say, I always got less than I thought I was going to. Everybody seems to think in this case the very opposite will be true, and it may be. I do not know. Nobody can tell you what a jury is going to do.

But just to put the thing in perspective about how much money we are talking about here, I thought those two figures might be helpful.

We have now been joined by Senator Humphrey from the good state of New Hampshire.

Senator **Conrad**. Mr. Chairman, before we go on, might we pursue that just a moment? Because I think that is critically important to our deliberations here, what those numbers are.

The numbers I have used are the numbers that we have gotten from the media itself, the Richmond Times Dispatch, which is the leading paper in the state, memos that I have received from my staff about estimates that have been made, and I have seen these numbers bandied about repeatedly.

I just asked, before I spoke what the most recent estimates are, and so I think if one of the first orders of business ought to be to get a firm fix on these numbers.

I, too, have the numbers that you had mentioned, that it was acquired for $10 million in 19—well, the present owner bought the land for $10 million in 1986 and it is listed on the tax rolls at $13.6 million.

I would be very interested in getting as close a fix as we can on what the correct numbers are.

Senator **Bumpers**. Senator Warner has asked for an additional minute while he is going to his map.

Senator Conrad, let me say that as Senator Wallop has correctly pointed out, this is a unique way for the Congress to operate. We did it in Redwoods. The Redwoods is the only done it since I've been in the Senate.

It has been 14 years, but the affect of this would be, for example, if we were to pass the House bill, the day the President signs that bill it becomes a taking. The land, on that day, belongs to the United States Government and then Mr. Hazel or the development company, under whatever name, goes to court.

The United States Government would put in some—a deposit in some amount, an appraised value of some amount, then you go to court to decide how much in excess of that the developer is entitled to.

It is just like any other condemnation case where you put up—the Government condemns a lot of land in this country every year.

You put up what you think the value is or what the estimated worth of it is, and then you go to court for the difference.

The court might award him $15 million, they might award him $75 million. There is not any way for this Committee to anticipate what a jury might do in the case. It is just the roll of the dice on that. Senator Warner?

Senator WARNER. Mr. Chairman, let me just give you one example.

Senator BUMPERS. Senator Warner, would you like to put that on the easel over here?

Senator WARNER. This is the Brawner Tract, right here. And when we put it in the 1980 bill it was estimated to be $812,000. Finally, in 1986, when the Federal Government got it it was $4.2 million.

Now, here is the tract in controversy right here. If you look at comparables, and I have and that is the term of art used by the real estate industry, to try and get an estimate of value.

If you look at comparables per square foot in these areas, the developers and others tell me that they can substantiate a cost in here anywhere from about $50 to $75 million, depending on how many skilled trial lawyers like the Chairman can get in there to work up those figures.

But that is based on comparable values that are not being bought and sold in this area, and these are well documented throughout, and I have seen a whole map, I had it at one time. Do I still have it somewhere? With all of those comparables. We do not have it, but we can provide it for the Committee.

The CHAIRMAN. Senator Humphrey?

Congressman Mrazek and Congressman Andrews have votes in the House right now. Does anybody know what happened to Senator Humphrey?

I wouldn't mind as an old trial lawyer representing Mr. Hazel in this case. It seems to me he's in a win-win situation. [Laughter.]

Senator MCCLURE. Mr. Chairman, might I just make one brief statement before we go to the next witness.

My understanding about the money that would be paid into court, first of all, would either have to have available funds from some source, or there has to be an appropriation action covering it.

Whether we agree with the position taken by the Department of Interior or not, it is their position that the money available for this tract would be monies already appropriated from the Land and Water Conservation Fund which have not been used for other purposes and which would, in effect, supplant all of the appropriations actions taken to date for which expenditures have not already been made. That's my understanding of their position.

There is obviously going to be a contest between the Congress and the administration over that position because I doubt very much that all of the rest of the projects in the United States that are funded in the Appropriations Act are going to willingly step aside so that this project could be funded at their expense.

The CHAIRMAN. We have been joined by Congressman Mrazek who I assume has already cast a blow for liberty in the House and now joins us.

Bob, you're next.

STATEMENT OF HON. ROBERT J. MRAZEK, U.S. REPRESENTATIVE FROM NEW YORK

Mr. MRAZEK. Thank you very much, Senator Bumpers. I appreciate the opportunity to testify before this panel, and I have a written statement that I would assure you, for those of you who want to curl up with it would probably send tingles down your spines at home, but I'm going to not read it today and ask that it be submitted for the official record.

The CHAIRMAN. Without objection.

Mr. MRAZEK. I suppose that in trying to look at this issue which is a highly complex issue, one that ponders the question of development versus historic preservation——

Senator MCCLURE. Could you pull the microphone a little closer. They're not very sensitive.

Mr. MRAZEK. When one tries to take into account the appropriate balance between preservation of historic sites and appropriate development, those are difficult questions, and I certainly don't think that the United States Congress should intrude on local planning decisions that involve local issues.

But, I think from my perspective, at least, that I would try to make the case that when an area like this involves our national historic heritage that it is worth pondering the question in a very different manner from our perspective here in Congress.

I don't know how you measure the sacrifice of the 19,000 soldiers who were killed or wounded in that 3-day battle. I don't know how you measure the sacrifice of one of our greatest citizen soldiers in the history of this country, Lieutenant Colonel John C. Upton, who probably was one of our most colorful soldiers as well. He commanded the Fourth Texas and led their attack across the Williams Center against troops from the state of New York. Colonel Upton, when he went into battle at all different times of the year and invariably stripped to the waist and carrying a skillet in one hand and his sword in the other.

And he found that at Second Manassas the skillet didn't stop the bullet.

The CHAIRMAN. Those Texans will do anything, won't they? [Laughter.]

Mr. MRAZEK. He was from Arkansas, Senator. [Laughter.]

And John C. Upton gave up his life.

If you asked John C. Upton if he was in this room today why he was fighting, it wouldn't be for slavery, because he didn't own slaves. He was fighting for his rights and for his state's rights, and he believed as his historic mentor, John C. Calhoun, that the ultimate repository for power in this nation rested with the states rather than with the federal government, and he was willing to give up his life for that view. I don't know how you measure that sacrifice on this ground.

I don't know how you measure the sacrifice of Major Andrew Burney of New York who Douglas Settle Freeman wrote about in Lee's Lieutenants, who very coolly and very calmly rode a big white charger, stood out all over the landscape about 100 yards ahead of his troops as they assaulted the unfinished railroad cut and walked his horse across that ground and right up the embankment of that unfinished railroad cut and he gave up his life.

He knew he was led by competent corrupt generals in the Union Army, but he was morally opposed to slavery, and he believed so deeply in his cause, he was willing to give up his life in that manner for that.

I think perhaps President Lincoln summed it up best when he talked about why we preserve certain ground, hallowed ground in this nation and for those who would submit that this is not hallowed ground but that it is of limited historic importance that we shouldn't really be concerned about the fact that General Lee's headquarters were on Stuart's Hill and this battery only spent one night there.

I would submit to you that it really trivializes, forgets the sacrifice of all of the men who did fight and struggle for what they believed during the most convulsive and dramatic years in our history.

And so, although I for one am very impressed with the proposal and approach offered by Senator Warner, and I know at some political cost to him, if I had my druthers, and I'm not suggesting that I have a monopoly on good judgment on this issue or any other issue, but I would like to see this property taken and in its entirety and see it taken in a legislative taking, which would mean that the developer would receive whatever a federal court ultimately decides is fair compensation for the investment that he and his partners have made in the property—approximately $10 I guess was the purchase cost a few years ago.

I don't know if a judge will decide it is a fair level of compensation for the property, but in doing that I would hope that we could also make a commitment to working with Prince William County officials in seeing that their transportation needs are not impacted negatively and I know that we on the House side have incorporated important language in our approach which calls for an investment of federal dollars in assisting them with a 234 bypass so that the roads in the battlefield can be closed down.

If this accomplishes nothing else, I think that the House action that we have taken with an overwhelming vote in support of acquiring this hallowed ground raises the important issue of what the cost of preserving our heritage is going to be in the future. Because when the cornfield where Hood's Texas Brigade was shot to pieces at Sharpsburg, Maryland, is up for sale, hopefully this Congress will recognize that it isn't just Manassas, it's Sharpsburg, it's Chickamauga, it's many different historic sites. It's not just Civil War battlegrounds, and hopefully we'll be able to take a much more comprehensive approach in preserving some of those historic sites.

And that's my testimony to you, and thank you very much for listening to me.

[The prepared statement of Mr. Mrazek follows:]

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

ROBERT J. MRAZEK
3RD DISTRICT, NEW YORK

COMMITTEE ON
APPROPRIATIONS
WHIP AT LARGE

TESTIMONY OF ROBERT J. MRAZEK
ON THE FUTURE OF MANASSAS NATIONAL BATTLEFIELD PARK
SEPTEMBER 8, 1988
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. Chairman. I want to thank you for convening this important hearing on the future of the Manassas National Battlefield Park. I believe that protecting our public lands from encroachment by development is one of the pressing issues before Congress.

Perhaps the most blatant disregard for the integrity of our public lands is best illustrated by the development pressures at the Manassas National Battlefield Park in Virginia. As you are aware, a 542-acre parcel of land adjacent to the park, known as the William Center tract, is planned for residential, corporate and commercial development, the centerpiece being a 1.2-million sq. ft. mall. In fact, construction has begun at the site and is progressing at an unusually swift pace.

On August 10, the House overwhelmingly passed H.R. 4526, a bill to acquire this property and place it within the park boundaries, because it believed that this tract is historically significant and should be saved. Not only was Lee's headquarters located on Stuart's Hill on the western portion of the tract, where he enjoyed a fine vantage point, but some of the most intense fighting took place south of the hill, where the mall is scheduled to be built.

So, let there be no mistake: This tract is not next to the battlefield; it is the battlefield. It is here that Longstreet's Confederate troops came up on Jackson's right and launched the key counterattack of the Second Battle of Manassas. It is here on Stuart's Hill that Robert E. Lee chose to make his headquarters in perhaps his greatest victory, and that Lee, according to his staff officer, Col. Charles Venable, was wounded for the first and only time in the war by a Union sharpshooter.

It is here that the Fifth and Tenth New York Volunteers attempted unsuccessfully to stop Hood's Texas Brigade, taking horrible casualties. And, it is here that military hospitals were situated to handle the carnage of a three-day battle that saw 19,000 Americans killed or wounded. According to John Hennessey, who will testify later, scores of Union and Confederate troops still lay buried in unmarked graves all over the land proposed for development.

Several months ago, it was announced that a Tyson's Corner-sized mall would be built on Stuart's Hill. From the Brawner Farm, just across U.S. 29, visitors at the park would be overwhelmed by the sight of this mall to the south.

Our effort to preserve the integrity of Manassas is not designed to glorify war. But we must remember what was at stake here. Pulitzer Prize-winning author Michael Shaara described the Union troops as "a different kind of army. If you look at history, you'll see that men have

fought for pay and they have fought for land. They have fought because a king makes them or just because they liked killing. But they were here for something that hadn't happened anywhere before. They were an army going out to set other men free."

In 1935, the original commission to establish boundaries for the park deemed that the tract in question was an integral part of the battlefield and should be preserved. Every recommendation to the park service since has concurred in this view. The fact that this property fell into private hands for exploitation is an example of how developmental pressure can destroy historic and wilderness sites across the nation. Sadly, Manassas is only one among many of our parks and historic sites that are threatened.

In the guise of a compromise, Interior Secretary Hodel has signed off on massive development adjacent to the park by endorsing the construction of the mall, a large bypass adjacent to the Brawner farm, and direct access from Interstate 66. His plan is certainly no compromise. It is a gift-wrapped package for the developer.

What puzzles me is why the Secretary would want to take measures to expedite development on this historic site and why he would propose to spend millions to provide for access to the property. In fact, one aspect of his proposal was to move the mall to an elevation off Stuart's Hill that was less conspicuous, and even that is no longer under consideration. One portion of his plan I do support is the closing of roads through the park. However, under this plan, the state of Virginia is not given the ability to consider options other than a bypass (which is not in its 6-year plan), and no consideration is given to the influx of an estimated 85,000 automobile trips to the mall on each weekend day when the park is most

visited. Construction of the bypass north of Route 66 alone is estimated by the state to cost $60 million. In addition, to accomodate for the closing of U.S. 29, Interstate 66 would have to be widened--at an estimated cost of $500-million, according to the state. But most importantly, no consideration is given to the impact on the park between the time the mall is built and the 15-20 years when new roads are in place, facilitating the closing of routes 29 and 234 through the park.

Congressman Andrews and I have met with officials from the Virginia Department of Transportation as well as from Prince William County on the question of transportation. It is clear to me that this is just a segment of the bigger transportation picture and that it should be thoroughly reviewed in that context. In no way am I against the construction of a mall that would bring in much needed revenue for the county; I do feel that it would be a significant loss to our national heritage to locate it on the William Center tract.

This is an excellent example of why Congress must pass park protection legislation. Each time one of our national parks or battlefields is threatened, legislation should not need to be introduced. The National Park Service (NPS) should be given the ability to analyze the impact of development. I recently visited Antietam and also saw an outstanding computer analysis of how development in certain key locations would affect a visitor's experience of the park. Using this valuable tool, for example, the NPS can easily discern what development would do to a particular park. Each national park or battlefield should be privy to such an analysis by the NPS.

I believe strongly that the House-passed bill is a well-crafted and responsible approach to protect the Manassas National Battlefield Park. It is my hope that this committee will act swiftly to report an acquisition bill that our children can be proud of.

The CHAIRMAN. Thank you, Congressman Mrazek.

Senator Fowler.

Senator FOWLER. Mr. Chairman, I've been passing only because I knew we had a lot of—and the hearing obviously is going to go on and should, and we have many distinguished panels, but since we have heard of—I've heard all my colleagues since the beginning, and I want to go along with Mr. Mrazek and just balance observations out and follow up his statement very briefly commending him for it.

We served together in the House and thank Bob for his leadership. I also want to commend you, Mr. Chairman, and Mr. Warner. I know how hard that he has worked, both of you have worked in achieving some sort of compromise that will continue to affirm the Congress and our country's endorsement of free enterprise and private initiative, but at the same time balance that with a realistic assessment of our obligations to our country to preserve those parts of our heritage that make up the national character and the national framework.

And I choose to speak now just because several of my colleagues have framed this as a local issue. It is not a local issue. It is unquestionably and unequivocably a federal issue.

There is no way that the character of those unique parts of American heritage and American history can be preserved without protection of the federal government. No local resource, no local tax base, no local framework for protection can possibly protect in a historical setting when you look at 200 years of history of what our federal and national obligations to protect.

It's ironic that we have now in the presidential debates a widening debate as to what characterizes service to our country. In what manner is service and obligation fulfilled to the federal system.

And yet, here we have at the first and second battle of Manassas one of the largest graveyards where unquestioned patriotism was acted out, and the ultimate sacrifice was given.

The conservation of our history, it seems to me, is going to be expensive because under a free enterprise system if our economy grows as we want it to, if we continue to foster those elements of private initiative, we are going to make our land and those properties abutting our lands more and more expensive for private ownership and private development and the appropriate private uses.

But we seem to always forget that those matters of historical conservation, environmental significance and historical significance cannot be measured only in dollars and cents and certainly cannot be measured in today's dollars and cents when you incorporate the sacrifice and service of those in our country, Americans on both sides of this conflict which went into the making of the nation and the forming of our union.

This debate must be settled, but it must be settled in a wider debate than federal/local legalisms and a widening debate on the cost and the values that are involved in those costs beyond just an accountant's eyeshade in terms of land values today.

I think we can work out a solution, but we have to do it fast. I know the bulldozers are already at the site, but I do think that I'm glad that it is before the committee, and I'm glad that the Chairman has seen an occasion where action is necessary, and I, for one, look forward to working within those parameters in seeing if we cannot do justice not just to ourselves and not to even so much the past, but what the past will mean to those future Americans where there are lessons to be learned from the sacrifices that made up that past.

The CHAIRMAN. Senator Humphrey?

STATEMENT OF HON. GORDON J. HUMPHREY, U.S. SENATOR FROM NEW HAMPSHIRE

Senator HUMPHREY. Thank you, Mr. Chairman and members, for the opportunity to testify on this important matter.

It is not easy for a Republican, particularly a conservative Republican to advocate the taking of land, particularly when that is bound to be expensive, but it seems warranted in this emergency case because is Congress doesn't act now, the battlefield park will be irrevocably and adversely damaged in my opinion.

This is not a local issue, and I hope our colleagues from Virginia are not offended by those of us who have spoken out on the issue. This isn't just the construction of a dam or one of those issues to which we typically leave parochial matters to our colleagues. This is a much more important matter and involves a national park, and not only a national park, but one of the very most important national parks in our country.

For the reason which no doubt has been stated, that thousands of young Americans, north and south, east and west for that matter, fought and died in the two battles at Manassas, the construction of a massive shopping mall or for that matter any untoward development with all of the accompanying traffic and parking problems and traffic lights and concrete could turn the Manassas Battlefield into little more than a pastoral backdrop for another metropolitan concrete complex.

According to the recent analysis by the Commonwealth of Virginia's Department of Conservation and Historic Resources, "This tract is significant because of its intimate association with the greatest national crisis in our country's history, the Civil War, and with one of the most significant battles of that war, the battle of Second Manassas."

I don't know why they left out the battle of First Manassas, but I'm just quoting them.

"It is significant as the site where the South's greatest general planned and executed one of his most important tactical victories."

The National Park Service for its part has long acknowledged the importance of the Williams Center tract. In fact, in 1977 the director of the National Park Service advised the Department of Interior of that tract's historic significance and the threat posed by its development and advised that the Williams Center tract be acquired for the park.

Mr. Chairman, I haven't had the time to analyze any critiques yet of the proposal of our colleague from Virginia, Senator Warner. I certainly commend him, as I'm sure we all do, for his diligent efforts. But, in the meantime, time is running out. It really and truly is. While we speak right now, the bulldozers are grunting. They're not speaking, they're grunting, and they're shoving earth around there and probably bones, too, out there adjacent to the existing park.

It will be expensive, yes, but as we all know, land is not getting any cheaper anywhere, and particularly not out in the periphery of metropolitan Washington. It's going to get a lot more expensive shortly, and so I for my part urge the committee to act expeditiously and with a long-range view of values because that land is going to be a lot more valuable from a commercial point of view and it is certainly not going to decline in its aesthetic value or its cultural value as one of the very most important national parks which we honor. And I think you.

[The prepared statement of Senator Humphrey follows:]

STATEMENT OF SENATOR GORDON J. HUMPHREY

BEFORE THE ENERGY AND NATURAL RESOURCES COMMITTEE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

SEPTEMBER 8, 1988

MR. CHAIRMAN, I DO NOT THINK THAT ANYONE IN THIS ROOM WOULD TAKE ISSUE WHEN I DESCRIBE MYSELF AS A CONSERVATIVE REPUBLICAN. I AM A STRONG ADVOCATE OF STATE AND LOCAL RIGHTS AND A CRITIC OF FEDERAL INTRUSION INTO LOCAL MATTERS. THE FACT THAT I AM TESTIFYING IN FAVOR OF A DRASTIC LEGISLATIVE REMEDY WHICH WOULD DIRECT THE FEDERAL GOVERNMENT TO "TAKE" PRIVATELY-OWNED LAND IS TESTIMONY TO THE IMPORTANCE AND THE SERIOUSNESS OF THE SITUATION AT THE MANASSAS NATIONAL BATTLEFIELD PARK.

THIS IS AN EMERGENCY. IF CONGRESS DOES NOT ACT NOW, THE MANASSAS NATIONAL BATTLEFIELD PARK WILL BE IRREVOCABLY AND ADVERSELY ALTERED.

THE FOLLOWING POINTS DESERVE EMPHASIS AS THE COMMITTEE CONSIDERS H.R. 4526 AND OTHER PROPOSALS:

-- THE FATE OF THE MANASSAS BATTLEFIELD IS A FEDERAL, NOT A LOCAL, ISSUE. THOUSANDS OF YOUNG AMERICANS FOUGHT AND DIED AT THE BLOODY BATTLES OF FIRST AND SECOND MANASSAS. NOW, VISITORS FROM ACROSS THE NATION TAKE ADVANTAGE OF THE NATIONAL PARK PRESERVED, IN PART, AS A TRIBUTE TO THOSE MEN.

-- CONSERVATION OF HISTORICALLY SIGNIFICANT SITES IS IMPERATIVE IN PRESERVING OUR IDENTITY AS A NATION. IF THE FEDERAL GOVERNMENT DOES NOT DEFLECT THE ENCROACHING TIDES OF DEVELOPMENT WHICH THREATEN OUR BATTLEFIELDS, WE WILL DEPRIVE OUR CHILDREN OF AN IMPORTANT PART OF THEIR HERITAGE.

-- IRRESPONSIBLE DEVELOPMENT OF THE "WILLIAM CENTER" TRACT WILL SPOIL THE QUALITY OF THE EXISTING PARK LANDS. THE CONSTRUCTION OF A MASSIVE SHOPPING MALL WITH THE ACCOMPANYING LIGHTS, TRAFFIC, PARKING LOTS AND OUTCROPPINGS COULD TURN THE MANASSAS BATTLEFIELD INTO LITTLE MORE THAN A PLEASANT PASTORAL BACKDROP FOR ANOTHER METROPOLITAN CONCRETE COMPLEX.

-- THE TRACT OF LAND IS HISTORIC IN ITS OWN RIGHT. ACCORDING TO AN AUGUST 5TH ANALYSIS BY THE COMMONWEALTH OF VIRGINIA'S DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES:

> "THIS TRACT IS SIGNIFICANT BECAUSE OF ITS INTIMATE ASSOCIATION WITH THE GREATEST NATIONAL CRISIS IN OUR COUNTRY'S HISTORY, THE CIVIL WAR, AND WITH ONE OF THE

MOST SIGNIFICANT BATTLES OF THAT WAR, THE BATTLE OF SECOND MANASSAS...IT IS SIGNIFICANT AS THE SITE WHERE THE SOUTH'S GREATEST GENERAL PLANNED AND EXECUTED ONE OF HIS MOST IMPORTANT TACTICAL VICTORIES..."

-- THE NATIONAL PARK SERVICE HAS LONG ACKNOWLEDGED THE IMPORTANCE OF THE WILLIAM CENTER TRACT. IN FACT, IN 1977, THE DIRECTOR OF THE NATIONAL PARK SERVICE ADVISED THE DEPARTMENT OF INTERIOR OF THE TRACT'S HISTORIC SIGNIFICANCE AND THE THREAT POSED BY ITS DEVELOPMENT, AND ADVISED THAT THE WILLIAM CENTER TRACT BE ACQUIRED FOR THE PARK.

-- THE DEPARTMENT OF INTERIOR HAS CORRECTLY HIGHLIGHTED TRAFFIC CONGESTION AS A "MAJOR THREAT TO THE PARK." CONSTRUCTION OF A MALL ON THE WILLIAM CENTER TRACT MAY INCREASE TRAFFIC BY AN ESTIMATED 80,000 CARS PER DAY.

MR. CHAIRMAN, I HAVEN'T YET HEARD ANY POINTS OF CONCERN THAT MIGHT BE RAISED AGAINST THE NEW PROPOSAL OF OUR COLLEAGUE FROM VIRGINIA, SENATOR WARNER. I AM SURE WE CAN ALL COMMEND HIM, HOWEVER, FOR HIS PAINSTAKING EFFORTS TO DEVELOP A COMPROMISE DESIGNED TO PRESERVE THE BATTLEFIELD AND TO MINIMIZE FEDERAL EXPENDITURES. I BELIEVE THAT SENATOR WARNER'S RECENT PROPOSAL TO DIRECT A TAKING OF THE MOST HISTORIC PORTION OF THE TRACT, TO RESTRICT DEVELOPMENT ON THE REMAINING ACREAGE, AND TO STUDY TRAFFIC ALTERNATIVES CAN FORM THE BASIS OF A SUCCESSFUL COMPROMISE.

UNFORTUNATELY, TIME IS RUNNING OUT. WHILE THE COMMITTEE HEARS OUR TESTIMONY, TRUCKS CONTINUE TO DIG UP THE "WILLIAM CENTER" TRACT ADJACENT TO THE MANASSAS PARK -- AN ACTION WHICH I FEAR MAY QUITE LITERALLY HAVE CIVIL WAR SOLDIERS TURNING OVER IN THEIR GRAVES.

I COMMEND THE CHAIRMAN FOR SCHEDULING THIS HEARING AND URGE THAT THE ENERGY COMMITTEE ACT EXPEDITIOUSLY TO REPORT LEGISLATION TO ADDRESS THIS THREAT.

THANK YOU FOR ALLOWING ME THE OPPORTUNITY TO TESTIFY.

The **Chairman**. Senator Humphrey, thank you very much.

I'm going to at this time go to Congressman Andrews so we can get his testimony over before we're going to be required to go to vote in a few minutes.

Congressman Andrews, we welcome you and are anxious to hear from you.

STATEMENT OF HON. MICHAEL A. ANDREWS, U.S. REPRESENTATIVE FROM TEXAS

Mr. **Andrews**. Thank you very much, Mr. Chairman. I appreciate the opportunity by the members of the committee for us to come over and testify about this important bill that myself and Congressman Mrazek of New York and Congressman Frank Wolfe of Virginia all co-sponsored a piece of legislation that passed the House recently by a vote of 307 to 98, and I especially want to take the opportunity to compliment Senator Warner and the position he has taken in the last few days.

I think the Senator has basically touched on the primary parts of this issue. He opposes the shopping mall because of the impact it will have on the national park itself and on the historic site that is in question.

He's asked the Senate to address the traffic problems which we do in the House version to conduct a study and the prepare to deal with those conclusions that are drawn by the State of Virginia, local county government leaders and the Congress.

And, thirdly, he suggests the use of a legislative taking which I would agree with some of the senators concerned is quite unusual. So, I would like to take my brief time just to comment on some of what I think some of the questions are here.

I think the legislative taking was necessary in the House and here in the Senate because of what the developer's doing today and will do tonight. This shopping mall is being constructed 24 hours a day as we debate the issue and tonight when we go home under floodlights that will continue to lay curbs and sewers and build a shopping mall.

The action of this developer and really a small majority, a majority of the local country supervisors surprisingly endorsed by the Secretary of the Interior will change dramatically what has been protected as a national shrine for over a hundred years.

They plan to construct a 1.2 million square foot shopping mall on a portion of the battlefield immediately adjacent to the national park. This shopping mall will be about the size of Tyson's Corner I when it is completed.

The Virginia Department of Transportation estimates that on peak days over 80,000 cars a day will be attracted to that shopping mall on those narrow finite roads that run through the park and along I-66.

There's no question about it that the development is going to destroy a significant part of the battlefield itself, but I think as importantly for the Senate to examine is the impact on the national battlefield park itself that really does present a very fundamental issue that was made earlier this afternoon. The fundamental balance between the need to have development and move forward, the opportunity of local leaders to make decisions in this case by zoning ordinances, the right of local property owners to develop that property, and the demands on the federal government to protect our very precious national park lands.

With urban growth across the country and in particular in the state of Virginia, we can't buy every historic site nor can we say to every local government what they can't do with their property. But in a case as this where the balance is so tilted and the examples are so egregious and the impact on that national park will be so devastating, the Congress really has no place else but to act now to save the national park and to save the battlefield.

This issue is a national issue. It is not a local issue. We cannot simply say that every national park site that local county supervisors through their zoning power have the opportunity with local private property developers to destroy our national park lands.

What we need is pointed out by the examples of the Chairman earlier in his remarks is a broader national strategy to protect our national park system. We really don't have that today to deal with these very fragile buffer areas that are adjacent to the park. I think we need to move to broader legislation.

One final comment on the plan that was proposed by the Interior Department. I assume that the Secretary or one of his aides will be here today to testify.

This is a plan that was agreed to by the developer himself, and I believe that is their map, and you will see that what this compromise which no one in the preservation community has agreed to would move the shopping mall itself over a few hundred yards and in its place the builder will construct a viewing stand manned by the National Park Service to view the battlefield.

Can you think of what historians and tourists will see when they go to Manassas with 80,000 cars a day on the weekends trying to get into that shopping mall? When we know from the county supervisor's testimony before the House committee that nothing can be done about those roads for at least 15 maybe 20 years before we can deal adequately with the traffic problems, what will they see? 4,000 car parking lot? The shopping mall, the housing development, the low density office park?

We really were left on the House side with no alternative but to move forward. The time for compromise has really stopped and I urge the Senate to adopt the House bill and move forward expeditiously.

[The prepared statement of Mr. Andrews follows:]

STATEMENT BY CONGRESSMAN MICHAEL A. ANDREWS
ON H.R. 4526,
MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS

Chairman Bumpers and members of the Committee, I appreciate the opportunity to speak before you today on H.R. 4526.

This legislation, which passed the House on August 10, by a 307-98 margin, will preserve the Manassas National Battlefield Park, General Robert E. Lee's headquarters and the graves of more than a hundred fallen soldiers from unbridled development.

The actions of a major developer and a handful of local politicians, endorsed by the Secretary of the Interior, may dramatically change what has been protected as a national shrine for more than 100 years. They plan to construct a 1.2 million-square-foot shopping mall, the second largest in Virginia, an office complex and a residential subdivision adjacent to one of our country's most important national parks.

The Virginia Department of Transportation projects that on weekends more than 80,000 cars a day will come to the mall. In addition, the developer plans to pave over a part of the battlefield for a 4,000 car parking lot. The development will destroy a large portion of the battlefield and the impact on the park itself will be devastating. This national park will never be the same.

The issue presents a very fundamental, political and constitutional question for the Congress: how to equipose the need to protect our national parks and our national heritage with the right of private property development and the right of local governments to regulate that development, in this case by zoning ordinances.

With constant urban growth across the country, there is a pressing need to create a national strategy that will protect our national park system. The federal government can neither purchase every historic site nor ignore the rights of local property owners.

At the same time there is an important responsibility to protect our national heritage and park lands for future generations. Development of the fragile areas that are adjacent to our national treasures, such as Manassas, can spoil our parklands forever. Surely, there is another tract of land more appropriate for a regional shopping mall than on one of our country's most historic battlefields.

This issue is a national one -- not to be decided solely at the local level. The forum of last resort is the Congress. The Congress will decide the fate of Manassas.

What is ultimately needed to preserve the integrity of our national parklands is broader legislation that includes the Secretary of the Interior in local land use decisions that may adversely impact our national parks. We lack a national strategy on dealing with development in the fragile buffer areas that surround our national parks. Regrettably, Manassas is but one egregious example of several sites in our park system that are at great risk.

The War Between the States is the most important event in the growth of our nation. That terrible conflict tested the very foundations of our Republic, our Constitution and our values. Its consequences continue to touch and shape our time. Those who fought and died at places like Manassas, at Sharpsburg, and at Gettysburg have long since dedicated those battlegrounds far beyond our abilities. What we can do is preserve the fields on which they fought -- to understand our past and to see our future.

The CHAIRMAN. Senator McClure.

Senator McCLURE. Mr. Chairman, I have only one question, and I will ask each of the three witnesses the same question. How are we going to pay for it?

Mr. MRAZEK. You know about ten years ago there was three-quarters of a billion dollars in funding available to acquire historic sites in this country. We're spending less than $50 million a year now, and I would submit to you that there is a price tag that one has to put on historic preservation, but it is a price that we have to be willing to pay if we're going to have a heritage to hand over to our children.

Senator McCLURE. I'm not going to just pick on members of the other body. I served over there, too. I'm also going to get to my friend from this body.

Each one of the three of you participated in the Congressional budget process. We have adopted a budget. That budget was passed by the Congress. I don't know whether you voted for it or against it. That budget when submitted to the Appropriations Committee had allocations to each subcommittee. Those were approved by the Appropriations Committee. They have been approved by the entire Congress. The funds for acquisitions of lands are allocated to the subcommittee in a finite amount of money.

Now, you participated in that process. And we are bound by the results of that process, and I don't mean just you. We all are. There isn't enough money in that allocation to fund this.

Mr. MRAZEK. You're absolutely correct, and a legislative taking would not take the money from the fund. That would be utilized by many other needy projects.

Senator McCLURE. It's your contention the legislative funding would come from the claims and judgment fund in the Department of Justice rather than from the Land and Water Conservation Fund, am I correct?

Mr. MRAZEK. That is correct, Senator McClure.

Senator McCLURE. How about you, Congressman Andrews?

Mr. ANDREWS. I believe that is correct, sir.

Senator McCLURE. And how about you, Senator Humphrey?

Senator HUMPHREY. I don't have a specific proposal I'm sorry to say but when, for example, one has a very sick child, you find ways of dealing with the problem and there is time going to be here for another. There is time to find a solution to this financing challenge.

Senator McCLURE. All right. Let me just answer it this way. That's exactly why we have the national debt we have today.

Senator HUMPHREY. What I'm saying so that I'm not misunderstood is that we're going to have to subtract elsewhere.

Senator McCLURE. Where?

Senator HUMPHREY. As I said, I haven't come with a specific proposal.

Senator McCLURE. The Department of the Interior has indicated, and again, I don't necessarily agree, that it will come from the Land and Water Conservation Fund, and it will come from the subcommittee's allegations of unexpended amounts of money, that means if the estimates of cost are correct, that every other expenditure for land acquisitions that are proposed in the entire budget for the entire year will be set aside for this acquisition.

Mr. ANDREWS. Well, if I could just suggest, Senator, there is not an accurate estimate of what this property will cost and to suggest it's going to cost $100 million is what the developer has suggested that he would like to sell his property for. He paid about $9 million for it less than 2 years ago. It is assessed at a value of—less than 3 years ago. It's assessed at a value of now $13 million today. I'm sure that it will be higher than that assessed value, but $100 million seems like a pretty heavy price tag, especially for Senator Warner's suggestion.

The CHAIRMAN. I think the assessed value is probably going to go up after hearing this hearing today. [Laughter.]

Senator McCLURE. I have no idea what it's going to cost. I was only taking half of the largest cost suggested.

I also know I sat on the committee in the House and then in the Senate as we participated in the development of Redwoods National Park. That bill hasn't been paid yet, and that was a legislative taking.

My only point in asking you all three that question is I think you're all three thoughtful, and I think each of the three of you have made a good presentation here as to the value to the country of the park. You make a statement similar to the one I made when I tried to save the viewshed at Valley Forge, and I lost that battle. We didn't have enough money I was told.

And I'm very much concerned that indeed we're embarking now on setting aside every other priority upon which Congress has already embarked with a $2 to $3 billion backlog and saying this comes ahead of everything else we've done. And I just question whether indeed that is the appropriate priority for this particular piece of ground.

The CHAIRMAN. Is it agreeable with the other members that we allow this panel—not panel but allow these gentlemen to leave and not be required to return?

Senator WARNER. Could I ask just one question?

The CHAIRMAN. Sure, Senator Warner.

Senator WARNER. Thank you, Mr. Chairman.

To the members of the House in the appropriation bill of the House you've inserted the language, and I quote it, "The use of funds in this or any other subsequent act for plans, designs or construction or proof of an interchange or any other highway facility providing access to or from certain highways in the vicinity of Manassas Battlefield Park shall preclude the use of these funds here," and I've got the actual language.

But, won't you consider, gentlemen, to try and help us modify that language in some way to help Prince William County put in at least the southern part of that interchange to facilitate the section of 734 which is essential for the future growth of the county irrespective of what happens to this tract of land?

And I would just ask for that, and I see your head nodding, and I presume that you will do so.

Mr. MRAZEK. I must admit to you that we have attempted to act in good faith with the officials of Prince William. I'm certainly not looking to see any longstanding planning proposals for south of

Route 66 deleteriously affected. We tried to work out some language that so far isn't entirely acceptable I believe to them.

We will continue to work on that.

Senator WARNER. Well, I would hope we could do that. Certainly I will try on the Senate side because, you know, there's a sovereign right of the state to develop its road system and to do certain things with the funds appropriated by Congress, and I really think we are bordering on a very serious encroachment of the right of the state to develop its transportation system.

I had been hopeful that the Governor was here today. He's not, but I understand there is a member of the Governor's cabinet here who will speak to this issue, and I urge my colleagues to listen with great care.

The CHAIRMAN. The committee will stand in recess for ten minutes.

[Recess]

The CHAIRMAN. We are most honored to have you, Mr. Secretary, if you would please proceed.

STATEMENT OF HON. DONALD PAUL HODEL, SECRETARY, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY WILLIAM PENN MOTT, JR., AND DENIS GALVIN

Secretary HODEL. Thank you, Mr. Chairman. I have a prepared statement which with your permission I would like to present for the record.

The CHAIRMAN. We appreciate your prepared statement and welcome your extemporaneous remarks, Mr. Secretary.

Secretary HODEL. With me, Mr. Chairman, are Mr. William Penn Mott, Jr., Director of the National Park Service, and Denis Galvin, Deputy Director of the National Park Service. There are several additional people on whom, depending upon the line of questioning, we may wish to call in order to make sure that we're giving the best answers we can to your questions.

If I may just say a few things in preparation to attempting to respond to questions, we entered this process on the assumption that all of the parties who are dealing with this are essentially seeking the same objective and that is to protect Manassas Battlefield National Park.

I also assume, Mr. Chairman, that all of the parties essentially respect the National Park Service professionals' views. In fact, I'm sometimes criticized or the department is criticized for not paying enough attention to the professional advice of the National Park Service.

In this case that advice has been very clear, and I think it results from the facts in this case as the National Park Service and we perceive them.

The major threat to Manassas which has been recognized by the National Park Service for at least a decade has been the traffic problem on Routes 29 and 234 which essentially divide the park into four quadrants.

There is additional concern, of course, about visual intrusions from surrounding developments and from transmission lines and from the zoning. In fact, I don't know whether it's been discussed today or not, but there is a place called the Battlefield Business Park, which is on the right-hand side of the map here, to the east of Sudley Road—or Route 234, that is—which is now being designated by Galvin. That Battlefield Business Park has been zoned by the county for the construction of five ten-story buildings which in terms of visual intrusion have to raise some concerns.

These are the kinds of things that have been dealt with by the National Park Service and have been of concern to them.

We've indicated that we are opposed to a legislative taking of the William Center tract in this particular situation, but I need to emphasize our reason for that is not because we are not concerned about the park. We are, as I feel all are. But we don't think that legistative taking goes to the heart of the major threat to Manassas, and that what we will find ourselves doing, if that happens, is we will be studying traffic and seeking consensus with no leverage on the part of the National Park Service to achieve it, and ultimately the major threat to the park, the traffic situation, will remain unchanged.

It is also very costly to acquire this land. You know, of course, the estimates range as high as $50, $60, $70 million, but nobody really knows. We don't know because unfortunately that seems to be a changing goal line. When the Brawner Farm, which is the westerly most tract on that map, was acquired by the National Park Service, the estimates were it would be $112,500 to acquire it. It actually was a $4,100,000 acquisition, a very sizable change.

Further, the problem we fear is that acquiring this property does nothing to prevent the development of the mall or the heavy usage that brings to bear on the park. There are numerous tracts to the west of Manassas which are potentially available to be zoned for the building of a mall. So funds could be paid by the National Park Service and the mall could move a quarter of a mile or a half a mile down the road and still have essentially the same impact on the park in terms of the traffic, increase which is still difficult.

It's also unclear, and it would be my hope that if this legislation passes the Congress that something will be done to clarify for the Secretary of the Interior how he's supposed to pay for it. As it presently reads, it says, "The Secretary shall make funds available," and there is a dispute.

I think I have to say there is a dispute at this point over the interpretation of a GAO opinion as to whether this throws the Secretary into that very awkward position, Mr. Chairman, of using appropriated but unexpended funds in a manner different from the report language. I've tried as Secretary to be responsive to the Congress with regard to report language. But this legislation may put the Secretary, whoever he may be, in a position of not being able to accommodate the report language, and a GAO opinion or a Department of Justice opinion based upon the GAO opinion. So we have some serious problems which could be very easily fixed by the Congress. All you have to do is be explicit about where the money is to come from if you decide to go forward.

I happen to believe there is a solution to this problem which has been pointed out for us by the National Park Service which I really believe is a win-win situation. It is a win for the National Park Service because it would result in the real protection of Manassas taking place. It's certainly a win for the people in the area who are concerned about whether the National Park Service may eventually try to close roads or restrict access in some way which would be harmful for them. And it would certainly be a win for the county which is concerned about its tax base and for the State which is concerned about what's going to happen there over the long haul and for the developer who may be the only person who wins under a legislative-taking approach. That solution would be to give the National Park Service the authority to eventually on restrict access to those roads, at some time certain, perhaps, and acquire the control of the roads that are marked in yellow on the map.

Those roads are within the boundary of the national park, and our solution would give the National Park Service authority to negotiate and sign an agreement with the developer. This agreement would provide such things as assurances as to the location of the mall off Stuart's Hill so it would not be visible, significant to the people in the park. We could obtain agreements as to height restrictions which we believe are available and the developer's contribution to the Route 66 interchange. To us, this has enormous potential benefits because it solves the visual problem. It leads to the final resolution of our traffic problem. It gets a contribution rather than having to expend federal monies. It gets a contribution toward the road interchange and the resolution of the road problem.

So, as I say, Mr. Chairman, I think there is a win-win alternative here for everyone, assuming we're all seeking the same thing. I fear that some of the legislation that is before the committee may fit the role of a declaration of a victory. The Congress will go home and you will leave the National Park Service with the unenviable task of trying to make that legislation into something which, in fact, will provide some real protection for Manassas, and I don't think it does.

With that, we'll be happy to try to answer any questions.

[The prepared statement of Secretary Hodel follows:]

STATEMENT OF DONALD PAUL HODEL, SECRETARY OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING H.R. 4526, THE "MANASSAS NATIONAL BATTLEFIELD PARK AMENDMENTS OF 1988."

September 8, 1988

Mr. Chairman and members of the Committee, it is a pleasure to be here today to discuss the efforts to protect the Manassas National Battlefield Park and present our views on H.R. 4526.

We oppose enactment of H.R. 4526. If the bill is presented to the President in its current form, I would recommend that he veto it.

Manassas National Battlefield Park is one of our Nation's premier areas dedicated to commemorating the Civil War. The issue facing us today, Mr. Chairman, is not if we are going to protect the Manassas battlefield for this and future generations. Rather, the question is how we are going to protect it from the real threats to its integrity.

I have personally spent much time considering this issue, visiting the park, and consulting with top professionals on protection of the historic area. It is clear to me, and to National Park Service Director Mott, that the most important threat to Manassas is heavy non-park related traffic within the park. It is a threat now, and will become a greater threat in the foreseeable future as commuters, trucks, and commercial vehicles increase their use of the two main roads through the park. The problem is bound to grow as more and more development takes place west of the battlefield.

Development on adjacent lands away from the battlefield, outside the park boundary, is also of concern, but properly handled it need not be a threat. In the case of the William Center tract, we propose the developer use buffers, screening vegetation, and height restrictions, in combination with relocation of the proposed shopping mall on the tract, in order to provide protection for the park. Such modifications would render proposed mall development almost invisible from the park, and show clearly that outside growth is not necessarily incompatible with park purposes. Legislation to acquire this property, such as H.R. 4526, is unnecessary for protection and enhancement of the park resource.

Therefore, the keys to ensuring that the park is protected from present and future threats are:

1. Eliminate through traffic on Routes 29 and 234 and pass control of these roads to the National Park Service for eventual use to serve park visitors;

2. Establish a procedure with Prince William County that will allow the National Park Service to work with

the County to determine compatible development adjacent to the park; and

3. Reach agreement with the owners of the William Center tract on buffers, screening, height limitations, mall location, and dedication of historically significant land on the Stuart's Hill portion of the tract for permanent protection and historical interpretation.

These elements lie at the heart of the proposal put forward by myself and Director Mott in April of this year. We want to support a continuing effort to remove the traffic and guarantee protection for the park in this rapidly growing area.

We must do so, however, in a manner that is fiscally sound and without the Federal Government running roughshod over local government or pursuing policies that provide windfalls to private parties at taxpayer expense. There are many privately owned tracts surrounding this park unit. If we begin acquiring each piece of private property as it is about to be developed, where will it all end? How far will we be forced to extend park boundaries to assure protection of our resources? We believe it is far better to set up a pattern of cooperation now, and set a standard we can follow in the future.

Mr. Chairman, as a general matter, boundary expansion to protect parks, such as that proposed in H.R. 4526, has an inherent problem. No matter where a boundary is located, there will always be those who say there is something significant just outside that must be made part of the park. There will always be those who say this or that external activity is a threat to the park, and expansion is the only way to extinguish the threat. The fallacy of this approach is, we believe, that boundary expansion simply substitutes one set of external activities for another. Nowhere is this better illustrated than at Manassas.

Congress last expanded the boundary of Manassas in 1980, indicating at the time that it would do so no more. At that time, the Congress decided not to include the William Center tract. We are advised that there are over 3,100 privately owned, developable acres within a mile of the current boundary with a per-acre value of $30,000 to $100,000. H.R. 4526 contains a boundary expansion addressing just 600 of these acres and totally ignores other historically valuable land. Given recent history, should the county and the private sector expect that the Congress will return again and again seeking to take private land -- disregarding both the wishes of locally elected officials as well as previous congressional action -- every time someone obtains media attention?

If the William Center tract should be acquired with the road problem unsolved, what would prevent construction of a regional shopping mall on some other nearby tract? By what routes would the drastically increased traffic move to and from this relocated mall? You may be sure that much of it would flow along Routes 29 and 234. The predictable results would be reduced visitor enjoyment and safety, and a clamor to widen or otherwise modify these roads. As you know, Mr. Chairman, the roads themselves are vital parts of the story of both battles at Manassas, and we do not want to see their historical integrity further diminished.

H.R. 4526 uses a legislative taking of the William Center tract despite the fact that there is no evidence that such drastic and costly action is necessary to protect the park. Quite to the contrary, such action would sacrifice our best opportunity to address the real threat to the park -- traffic -- while providing a huge windfall to a local developer at taxpayer expense.

What is particularly vexing about H.R. 4526 is that its legislative taking provision could cost between $50 and $100 million at a minimum -- moneys that would be much better spent elsewhere. Moreover, our experience with legislative and other takings of private land is that it almost always costs us more than preliminary estimates. This has been particularly true at Redwoods National Park.

Furthermore, we have been advised by the Office of Management and Budget that, based on its review as well as GAO rules, we'll have to "take the hit" for this whole amount from our allotment under the Land and Water Conservation Fund. An analysis of the fiscal impact of H.R. 4526 is attached to my statement for your records. The cost of this one tract alone would exceed the $41 million appropriated by the Congress in fiscal year 1988 for NPS land acquisition throughout the country. This means that NPS land acquisition nationwide would come to virtual standstill. Many planned priority acquisitions would be significantly delayed or dropped in favor of this one tract -- other important areas such as those in West Virginia, New Mexico, Georgia, New Jersey, Wyoming, Washington, Alaska, and California.

Under our approach, however, the park will be protected from the real threats facing it, problems of traffic and visual intrusion. Moreover, the county and its citizens will still benefit from an estimated $20 million in annual tax revenue from the proposed development; regional commuters will obtain badly needed, upgraded roads; and the American taxpayer will not underwrite a multimillion dollar windfall to a local developer caused by the precipitous taking of private land by the Federal Government.

Mr. Chairman, we will not be able to get traffic out of the park until alternate routes are available. One such route is the 234 bypass west of the park. This bypass has been supported by the National Park Service for more than a decade. Moreover, its importance to the protection of Manassas was recognized by Congress in its 1980 park expansion, when it specifically provided for the use of this park land for the building of the bypass. This is not a new issue. If current efforts within the Congress to prevent the building of this bypass are successful, it will mean that the Congress has reversed itself, ignored the National Park Service, and foregone its best opportunity to protect this outstanding unit of the National Park System.

Early estimates suggest that building the 234 bypass north of I-66 and widening I-66 adjacent to the park would cost about $62 million. Because we believe these actions are inevitable in any case and would be funded via existing mechanisms for financing highway improvements rather than any special appropriation, their costs should not be attributed to our proposal.

Furthermore, you should know that there have been a series of meetings recently during which all the principal parties who would be signatories to agreements implementing our proposals -- the Commonwealth of Virginia, Prince William County, and the developer -- have agreed our solution is realistic and can be put into effect. Negotiations on these agreements are beginning, and we will certainly keep you advised on their progress.

Mr. Chairman, in recent days, I have been quietly observing the uses at Manassas.

I went to a high point within the park on the Brawner Farm tract and looked back to the disputed William Center tract, and I was stunned to see that the view was already compromised by highly visible and intrusive electrical transmission lines. The long view from Stuart's Hill over the battlefield is not pristine -- it too is compromised by these same transmission lines and streams of traffic on Route 29. The view from Stuart's Hill that we're so intent on preserving under this bill doesn't exist -- and acquiring the William Center tract will not make it any better.

I also heard the growling trucks full of gravel, cement and lumber, shifting gears on Route 29 and clogging the road. Commuters crowded in, attempting to pass, filling in the gaps. I pity anyone who wants to take in the historical sites or markers on this route -- the press of traffic is so discouraging and, in fact, frightening. NPS Chief Historian Ed Bearss informed me that this is the most difficult Civil War battlefield to visit and interpret, because of the traffic.

I am more convinced than ever that the resolution Director Mott and I proposed earlier this year is the correct one.

I urge you, Mr. Chairman, to work with us and back us in our proposed solution, and thereby guarantee the real protection of Manassas National Battlefield Park.

Thank you. I would be pleased to respond to any questions you may have.

FISCAL IMPACT OF THE TAKING REQUIRED BY H.R. 4526

Summary

- As currently drafted, H.R. 4526 (requiring a legislative taking of certain private property near Manassas Battlefield in Virginia) would automatically be financed from the Land and Water Conservation Fund. Treasury's Claims and Judgments appropriation account would not be available for this purpose.

- The bill's FY 1989 impact would add tens of millions of dollars to the projected Federal deficit, and further exacerbate the problem of meeting Gramm-Rudman-Hollings deficit reduction targets.

Discussion

H.R. 4526 would mandate a legislative taking of private property adjacent to the Manassas National Battlefield Park in Virginia, in order to prevent construction of a shopping mall on the site. Questions have been raised regarding the cost of compensating the current landowner, and how this compensation would be financed. There is also concern about the potential impact of the bill on efforts to reach deficit reduction targets mandated by the Balanced Budget and Emergency Deficit Control (Gramm-Rudman-Hollings) Act.

The cost of compensating the owner of the Manassas property for the legislative taking required by H.R. 4526 will depend, at least in part, on a determination of the fair market value of the land. To date, no appraisal has been performed that recognizes both the property's full development potential under current zoning, and the improvements recently put in place by the landowner. In the absence of such an appraisal, estimates of the property's value have ranged from $13 million to $200 million. At this time, the Interior Department's best estimate is that the property is worth $50-$70 million. For purposes of evaluating H.R. 4526, the Office of Management and Budget is currently assuming the taking required by the bill would place a minimum $60 million compensation obligation on the Federal Government.

With respect to how compensation would be financed, H.R. 4526 states that payment for the property, whether the amount is determined by negotiation or litigation, "shall be made by the Secretary" -- a reference to the Secretary of the Interior. However, H.R. 4526 does not explicitly authorize appropriations to the Interior Department for this purpose.

In fact, no such explicit authorization is required. There is adequate authority in current law for the Secretary to pay for the Manassas property with funds appropriated for National Park Service land acquisition pursuant to the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11). In particular, 16 U.S.C. 460l-9(a) provides that monies appropriated from the Land and Water Conservation Fund for Federal purposes "shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President" for purposes including the acquisition of land within the authorized boundaries of National Park System units.

Proponents of H.R. 4526 have asserted that payment for the Manassas tract could be derived from the Treasury Department's permanent, indefinite appropriation account entitled "Claims, Judgments, and Relief Acts." The purpose of this fund is to finance, from the general funds of the Treasury, payments of claims against the U.S. that are "not otherwise provided for" (31 U.S.C. 724a).

As a general matter, however, the "Claims, Judgments, and Relief Acts" appropriation is not available for land condemnation judgments. This is the opinion of the General Accounting Office (GAO), which certifies payments from the fund. GAO has stated that "while appropriations for land acquisition may not refer specifically to judgments, they are available for acquisition by purchase or condemnation, and condemnation necessarily contemplates litigation. . . . They are therefore otherwise provided for within the meaning of 31 U.S.C. 724a, and this is not affected by the fact that the appropriation in a given case may have been exhausted." (General Accounting Office, Office of General Counsel, Principles of Federal Appropriations Law, June 1982, p. 12-19.)

Given this general principle, the payment to acquire the Manassas property, if taken by the Federal Government as currently provided for in H.R. 4526, would necessarily be derived from amounts appropriated to the National Park Service from the Land and Water Conservation Fund for land acquisition. The unobligated balance of such funds currently available to the Park Service is about $74 million. Also, the conference version of the FY 1989 Interior appropriations bill provides $73 million in new budget authority for Park Service land acquisition. In the absence of any bill language preventing the use of these monies for acquiring the Manassas property, a portion of these funds will have to be allocated to that purpose in the event H.R. 4526 is enacted into law in its present form.

Of course, H.R. 4526 could be amended to provide that, notwithstanding any other law, payment for the Manassas property must be derived from Treasury's claims fund. However, to do so would directly violate terms of the Bipartisan Budget Agreement (BBA) between the President and the Joint Leadership of the Congress. The BBA included specific outlines of reconciliation controls for direct spending (i.e., non-appropriated spending, such as that from the claims fund) covering both FY 1988 and FY 1989. Any net additional direct spending beyond the amounts agreed to in the BBA violates the agreement. Payment from the claims fund of the Federal obligation created by the taking in H.R. 4526 would be a form of direct spending that was not agreed to in the BBA.

Whether funded by appropriations from the Land and Water Conservation Fund or by increased spending from the claims fund, any payment to compensate the taking of the Manassas property would be considered "on budget" and would figure in calculation of the Federal budget deficit. There is no authority or rationale for not including such spending in budget totals. Thus, enactment of H.R. 4526 clearly would exacerbate the difficulty of meeting deficit reduction targets mandated by the Gramm-Rudman-Hollings Act.

The magnitude of H.R. 4526's deficit impact depends not only on the amount of compensation due the Manassas landowner, but also on how the taking is paid for. If the bill is not amended, and the taking is paid for with funds appropriated from the Land and Water Conservation Fund, the effect will be to change the use of funds that would have been spent otherwise.

However, funds appropriated for land acquisition are normally outlayed slowly, on a multi-year basis, whereas a large part of the Manassas payment probably would be made before the end of FY 1989. (H.R. 4526 contemplates reaching a negotiated settlement or commencing litigation with the landowner within one year of enactment; if litigation occurs, the U.S. is likely to deposit the estimated fair market value of the property with the court at the outset, to prevent accumulation of interest on the U.S.'s liability.) Thus, there would be a short-term increase in Federal outlays over what would be spent if H.R. 4526 were not enacted.

As an illustration, assume the required payment for the taken property was $60 million, and the funding source was budget authority appropriated from the Land and Water Conservation Fund in FY 1989 for National Park Service land acquisition. The payment would cause $60 million of this budget authority to be outlayed in FY 1989. In contrast, if H.R. 4526 were not enacted, the budget would assume only $21 million in outlays from the same $60 million in budget authority, based on the normal 35 percent first-year spendout rate for Park Service land acquisition budget authority. The net impact of enacting the bill in this example would be to increase estimated FY 1989 outlays -- and the FY 1989 deficit estimate -- by $39 million.

Paying for the Manassas property from the Treasury's claims fund would increase the Federal deficit by the full amount of the required payment. This is because the necessary funding would not be diverted from any other purpose, and no other Federal spending would be foregone. Assuming once again that the required payment for the taken property was $60 million, the net impact of enacting H.R. 4526 simply would be to increase estimated FY 1989 outlays by $60 million.

On August 25th, the Office of Management and Budget issued the Initial Sequester Report to the President and Congress required by the Gramm-Rudman-Hollings Act. The budget estimates contained in that report were based on laws and regulations in effect on August 15, 1988. The report concluded that no sequester will be required for FY 1989, provided that legislation enacted and final regulations promulgated between August 15th and October 15th do not increase the FY 1989 baseline deficit estimate by more than $2.0 billion (or $0.7 billion, after including estimates of legislation that had passed Congress but had not been signed by the President as of the August 15th snapshot date). Should this narrow margin be exceeded, a sequester sufficient to reduce FY 1989 outlays by at least $10 billion will be indicated in the October 15th Final Sequester Report.

The enactment of H.R. 4526 would move the Federal Government one step closer to such a sequester. As explained above, the step would be sizable. This is a reality Congress must face.

The CHAIRMAN. Mr. Secretary, let me say first of all that we've discussed this on two or three occasions and I know your position well. My questions are designed primarily for the record and possibly one or two questions that I have not discussed with you before.

Number one, do you have some assurance that the developer is willing to negotiate with you along the lines you discussed?

Secretary HODEL. Only from the record of experience, and currently I would have to say that the developer has taken the position that he is proceeding in his original mode because he can't negotiate with us. We have nothing to negotiate with. I have no doubt in my mind, Mr. Chairman, that if we had the leverage that would come to us from authority over those roads, eventually we could negotiate. And if we had the authority to enter into an agreement—actually we do not have that authority—but if we had the authority to enter into height and location agreements with the developer, he would be quite happy to sit down and work out with us an arrangement which would include the donation of a facility on Stuart's Hill which would be an observation facility for the park, a viewpoint.

The CHAIRMAN. Has the Park Service or Department of Interior been on record at any time previous to this as trying to close those roads?

Mr. MOTT. Mr. Chairman, we've had a number of conversations in the last three years with regard to these two roads, both with regard to the improvements to them and to the closure of these roads and have suggested this on a number of occasions as a solution to the very difficult problem that we are facing with truck traffic, gravel trucks, automobiles and so forth using these two roads. Yes, we have discussed this.

The CHAIRMAN. With the Virginia Highway Department?

Mr. MOTT. With the Virginia Highway Department and with the county also.

The CHAIRMAN. And have those negotiations led to anything?

Mr. MOTT. No, they have not.

The CHAIRMAN. Is it a matter of money with the State of Virginia and the County of Prince William?

Mr. MOTT. I think that is part of the problem, yes.

The CHAIRMAN. Do you have any assurance from the Governor or the Virginia Department of Transportation, whatever it's called that if we did nothing that they are prepared to go forward with the 234 bypass and the widening of highway 66 and if so, at what time?

Mr. MOTT. The discussions that we've had indicate that they are thinking in terms of widening 66, but that's probably 5 years away. With regard to the bypass, this has been something that we have discussed with them over a period of a number of years, and I don't know when they plan to develop that bypass road.

Our planner, John Parsons, has been working with them and may have some specific comments with regard to that.

Secretary HODEL. Mr. Chairman, if I may augment that answer. You asked if we did nothing. I think if the National Park Service had no additional authorities, it would be very difficult for us to negotiate a final proposal because anything we would negotiate with the developer would require some authorities on our part to do something extraterritorial to the park. So, it would require some legislative authority for us, I think, to bring about a satisfactory conclusion.

The CHAIRMAN. I was advised that at one time the developer was willing to pay for the interchange there, is that correct?

Secretary HODEL. At least to make a contribution to it in excess of a million dollars. I don't know if that would pay for the whole interchange.

The CHAIRMAN. Well, it's my understanding the interchange would be a minimum of around $13 million.

Secretary HODEL. I'm advised that he has offered that in early discussions. But, again, trying to be sensitive to the process where we're not in a position to come to the table with anything in the way of a commitment, he has to be a little bit guarded in how much he's willing to put up on the table because if he's dealt with us before he knows we will take everything he has to offer and then we will start negotiating. [Laughter.]

The CHAIRMAN. Mr. Secretary, that's understandable.

Mr. Secretary, I have discussed this with some people in Virginia, and it has been my conclusion or at least I have—the inference has been on my part—that Virginia is not now or any time in the foreseeable future prepared to build this bypass which—the cost of which is staggering, and the suggestion here that somehow or another, if we adopt a small plan of some kind and shut the roads, that all kinds of magical things are going to be happening there to alleviate the gridlock that now exists. And there is a gridlock there. I've been caught in it, and so I would like very much to see the roads closed, but we can talk about closing the roads while the mall is being developed, and of course I feel very strongly about that, and I just think that we ought to take first things first.

We ought to do the things that will prevent irreparable damage to the park and to me that includes the taking.

Secretary HODEL. Mr. Chairman, if I took that position I would not know how to respond to the next question which is, "How would you feel, Mr. Secretary, about the mall directly west of the Route 234 bypass?"

The CHAIRMAN. Well, let me go on record on that. I wouldn't like it, but I would like it a hell of a lot more than what we're about to do, and Longstreet, you know, he didn't mass his forces on that tract west of here, and General Lee didn't have his headquarters on that tract west of there. And I consider that sacred ground.

Mr. Secretary, let me ask you this question. What do you consider the most significant and historic event in the history of this nation that has brought us to where we are right now and in which we take such great pride?

Secretary HODEL. The adoption of the Constitution, I suppose.

The CHAIRMAN. That's a good opener. What's second? [Laughter.]

Secretary HODEL. I've never thought of it in those terms. I have a suspicion I'm being led toward the Civil War. [Laughter.]

The CHAIRMAN. You finally caught on. [Laughter.]

Secretary HODEL. Well, I was there when I gave my first answer, Mr. Chairman, but I felt comfortable with my first answer.

The CHAIRMAN. Did you know there were more men killed in the battle of Shiloh in one day than American and British forces combined in the entire Revolutionary War, and it wasn't just the Constitution. The truth of the matter is George Mason correctly said the Constitution was fatal—I believe he said it was fatally flawed because it didn't deal with slavery. And the Constitution's a great document. You're looking at perhaps the strongest defender of the document.

You know a lot of people pay lip service to the Constitution, but they only want to abide by it when they agree with it. I'm one who does my very best to defend it and belong to the wait just a minute club with all of the things that are going on around here about prayer in school and all the rest of that stuff.

I think it's a great document, but it was imperfect, and the Civil War was the thing that perfected it, and it is the thing that in my opinion has made this country as great as it is. And so I'm not going to sermonize any further about the value of that property. It is obviously not as valuable as some of the rest of it, but I consider it critical to the park.

Secretary Hodel. And, Mr. Chairman, I'm influenced in part by the knowledge that the Congress previously dealt with the boundary question of Manassas. It chose not to include Stony Ridge, which is particularly significant because of the position of Jackson's forces there. It chose consciously not to include this portion here, although a portion of this property, actually the easternmost portion of it, as I understand it, was where Longstreet massed his forces.

We can follow the Longstreet march, the Lee march if you will, from a long way back, depending upon how far we're willing to go.

Somewhere the Congress makes a decision as to how far it wishes to go. The threat to this park, however, is not from a mall. I think that to focus our attention as if the mall were the problem helps us to forget that the thing that, in the words of Ed Bearrs, the historian for the Park Service, has made this the most difficult historic battlefield to interpret is the existence of two roads which bisect north and south and east and west.

The addition of a mall, the worst thing about a mall, is not the visibility problem. We can show you elevations which show that that mall not on Stuart's Hill, not where Lee's headquarters was.

The Chairman. Have you seen the latest development plan?

Secretary Hodel. The latest development plan would put the mall at the westerly location on that map. That was the proposal that brought the National Park Service to the table saying no, no, this has got to be stopped, and that has been our position.

I believe that the National Park Service could, with appropriate authority, negotiate a move of the mall out of sight, but the real issue remains whether we will be able to do something over time about those roads.

The Chairman. This plan I'm talking about has been filed with Prince William County on August 15th, 3 weeks ago. That's not the plan that brought you to the negotiating table. We've been talking about this for months.

Secretary Hodel. But we're not able to sit at the negotiating table, Mr. Chairman, for all practical purposes because the developer can quite rightly ask what authority the National Park Service has to make any binding commitments regarding this land.

Now, I think it would be very effective if we had authority to do something about the roads, if we had authority to enter into an agreement which would be binding and therefore enforceable on our part with the developer with regard to height restrictions and location of the mall.

There are two problems the mall creates. Only one of them is solved by acquiring this property and that is the visibility. We can solve the visibility issue by negotiations with the builder. We cannot solve the other problem by negotiating with the builder or by buying the tract, because that's the traffic problem. Unfortunately, we have 3,100 acres of developable private land around this park. This tract is 600 acres.

The CHAIRMAN. I understand that, but let me tell you there's a third one that you're missing in your description, and the third one is that you're preserving hallowed ground. It's very significant. It's true. I mean, the way you outline it—and incidentally, that mall you're talking about on the western part of the property is not just on the western part of the property. It's right on Stuart's Hill where Lee's headquarters was.

Secretary HODEL. Mr. Chairman, I'm convinced that we can win that. The location of the mall, as proposed in the prior discussions in which we found the developer extremely responsive, could be in the easterly area, a mall close to the interstate, at a lower elevation, out of sight. That is not the hallowed ground that you're talking about as compared to the northeasterly corner of the William tract where there's a buffer being provided.

The CHAIRMAN. Mr. Secretary, have you had an opportunity to study Senator Warner's plan?

Secretary HODEL. Not to study it. I know of its general outlines.

The CHAIRMAN. Just based on what you know, would you consider the cost to be similar to or somewhere in the vicinity of what it would cost to take the property? Is that of concern to you that the Warner plan would also be very expensive?

Secretary HODEL. I believe it would be very expensive, and insofar as we don't solve our road problems, Mr. Chairman, I think we leave the National Park Service in essentially the same position it is today with the growing traffic problem. That makes it impossible to interpret the park.

The CHAIRMAN. Let me ask you this: Those two roads can be there for the millennium without anything additional being done to them unless the Park Service wants it done. They can't be widened. Not much of anything can be done with those two roads, and so nothing really gets any worse by the roads being where they are right now. But if you don't take the property, that's all over. You don't get seconds on that one.

Secretary HODEL. The problem is, if we let the roads sit as they are and if the expansion west of the park continues at the rate it is expanding, we anticipate you will have at least double the traffic in the next 10 to 20 years on those roads, and it's gridlocked today.

The CHAIRMAN. Well, I don't like that, but I'm saying that is not irreversible damage. The building of a mall on this property is irreversible damage.

Secretary HODEL. Mr. Chairman, the irreversibility of the damage from the mall is its visibility from Brawner's Farm. If we could move that mall off Stuart's Hill, that problem is gone. It is comparable then to all that other development that's going on around out there. We're not proposing to prevent that by acquisition, but we remain with the major problem which is the untouched traffic.

What I keep thinking is that we can do what I think you really want to do and what I and the National Park Service and all others want to do, which is protect that park, if we can move in the direction of finding a way to close those roads. We can't do that, we suspect, without facing up to the problem of traffic around the park. I suspect that if the National Park Service had authority over time to do that, we would find the State of Virginia and the county being much more responsive to facing up to that traffic problem and probably adjusting the priorities on the traffic problem.

The CHAIRMAN. Mr. Secretary, if we pass the House bill, we recommend the President veto it.

Secretary HODEL. Yes, I've said we would.

The CHAIRMAN. If we pass the Warner bill, would you recommend the same thing?

Secretary HODEL. I have not.

The CHAIRMAN. He's right here. Just tell him.

Secretary HODEL. I do not know.

The CHAIRMAN. Let me ask you this final question. Have you ever known of a time since you've been Secretary or any time before that did you ever hear anybody say, "Gosh, I wish we hadn't taken that property for that park"? Did you ever hear anybody in Boston say, "God, those crazy people. Why did they preserve the Common?" Or in New York, "Why in the hell did they save Central Park?"

Secretary HODEL. Yes, I've heard it.

The CHAIRMAN. Tell me about it.

Secretary HODEL. For Gateway in New York, when the Congress drew a boundary around a solid waste disposal site and didn't give us authority to control the kind of materials that were brought into it and the City of New York has not monitored it adequately, we now find ourselves with a waste dump inside a national recreation area which contains toxic materials. We have a serious problem on our hands.

The CHAIRMAN. That is not exactly responsive to the question.

Secretary HODEL. Well, I've heard people say I wish we hadn't acquired that land, which is what I thought the question was.

The CHAIRMAN. Well, I think that's okay to say I wish we hadn't acquired it. I wish more they hadn't allowed it to be a waste dump area.

Secretary HODEL. It was that before it was acquired.

The CHAIRMAN. But I'm just talking about in Rocky Mountain or Yellowstone or Yosemite or any other park we've created, and we've created quite a few. The only ones we've created in the last eight years have been over the vigorous objection of the administration. But I've never heard anybody in my entire life say I wish we hadn't done that.

Secretary HODEL. Senator, I'm sorry. The only national park I'm aware that we've created in the last 8 years was Great Basin National Park in Nevada, and we supported that bill when the boundaries were drawn in a form that we thought was appropriate.

The CHAIRMAN. I would just tell this one little story. When I was governor of my state, my parks director—and I made that a big issue when I ran for governor—we didn't have a park that I could recommend to a single friend from out of state. And, to make a long story short, we appropriated more money for parks in my state the first year I was governor than the entire combined appropriations in the entire history of the state, and we've got a great park system. I invite you to come down and stay in any of them.

But I never will forget the parks director came in and said we can buy 1,700 acres of land out just west of Little Rock. HUD will give us some money because it's going to be an urban park within 40 miles of metropolitan area. And I went out and looked at it, and it was nothing but a bunch of tarpaper shacks and beer cans, old tires, refrigerators, but there were a couple of fairly significant geographical spots there, mountains, and I told the guy, I said I don't see how on earth you could ever make a park out of that.

To make a long story short, after 6 months he finally talked me into it, and I would like for you to come down and see it. And so I tell you that just to tell you where I'm coming from. I've seen what can happen and I've seen what happens when you do nothing.

Senator McClure.

Senator MCCLURE. Thank you very much, Mr. Chairman.

I'm not going to review the history of the Reagan administration, but I've heard so many statements made just recently. In fact, earlier today I had a question from a reporter on that subject, and he made some comment on the fact that this administration has made no expenditures in the Land or Water Conservation Fund during the last eight years. Is that an accurate impression?

Secretary HODEL. No.

Senator MCCLURE. Would you care to expand on that answer at all?

Secretary HODEL. Well, the Land and Water Conservation Fund has been utilized each year. We have requested appropriations in amounts which we felt were sufficient to meet the emergency land acquisition requirements. In fact, the Congress has expanded those amounts each year by a significant amount. The average has ranged, I believe, between $160 and $180 million which, when appropriated, we have expended.

Senator MCCLURE. Are those sums are merged into an appropriations action which has been signed by the President?

Secretary HODEL. Yes.

Senator MCCLURE. And followed by the administration?

Secretary HODEL. Yes.

The CHAIRMAN. Senator, if you would yield, I would ask the Secretary how much of that money has the President requested each year.

Secretary HODEL. I don't know each year, Senator, but it has been in the range of $16 million in the last couple of years, and Congress has appropriated $150 or $160 million.

The CHAIRMAN. So the President has requested about 10 percent of what was appropriated?

Secretary HODEL. The last couple of years at least, yes. I'm informed that last year the appropriation was about $60 million, but that was an unusually low year.

Senator McCLURE. Mr. Secretary, I've read with some interest the document on the fiscal impact of the taking. I find some of the statements a little curious.

For example, you state that the cost would come from funds appropriated to the Secretary from the Land and Water Conservation Fund. Am I correct in that?

Secretary HODEL. That is what it states, yes.

Senator McCLURE. I ask that question because earlier I had asked Congressman Andrews and Congressman Mrazek where the money was coming from. And they had indicated, oh no, it would not come out of this fund, it would come out of the Treasury appropriation.

And I note that your statement says that it will not come from the claims and judgments appropriation account but from the land and water conservation fund.

I wonder if you could expand upon the reason why you have concluded differently than the Members of the House who have testified here today?

Secretary HODEL. Well, the lawyers who looked at the language of the proposed act, Senator, indicate that it says the Secretary will pay the money.

They tell me I do not have access to the General Treasury; I have to deal with monies appropriated to the Department of the Interior. The GAO has also rendered at least one opinion, but I am told there may be another opinion which is somewhat in conflict.

The GAO opinion that I think was referenced in the document you are referring to contemplated that we could only use appropriated unexpended funds as a source. There is another possible interpretation.

But I think that all would agree that it is very hard for the Secretary of the Interior to have access to funds other than those that have been appropriated to the Department of the Interior.

I think the solution of the claims and judgments fund is probably not available to us unless we are deficient in funds in the Department of the Interior.

Be that as it may, the solution would be to put in language in ~~specifying~~ where the money is supposed to come from.

Senator McCLURE. If that is not done, and recognizing that there may be some debate about what the solution is, under the language in the House bill, it is my understanding that what you are telling us is you cannot make any draw upon the claims and judgments appropriation account. That would come from the land and water conservation fund accounts, and that it would come from unexpended funds heretofore appropriated to the department. Is that correct?

Secretary HODEL. Yes. That would place the Secretary in an impossible position if he tries to do as I have done, which is to be responsive to the language of the managers of the conference committee report, directing the Secretary on how to expend that money.

We would be in a real dilemma if the legal advice from the lawyers was that we have to do this, and the Congress has said, spend it in this fashion.

Senator McCLURE. Well, let me ask this question. I am not trying to direct you to a conclusion, but I am trying to attempt to find out how you would administer this bill if it is passed in its present form.

Recognizing the dilemma you have, if I understand it correctly, Congress appropriates money to you, for your use in acquiring lands and for other purposes, within their purview of your responsibilities. Some of those funds have been spent.

If this bill were to become law, you would then have a new directive. If I understand what you have said, it is that you would take the unexpended amounts previously appropriated and direct to the satisfaction of claims in this particular instance. Is that correct?

Secretary HODEL. If the opinion that is represented in the document you are talking from prevails, my understanding is that I would be directed by the lawyers that that takes priority.

Senator McCLURE. That takes priority over the previous appropriations actions by the Congress.

Secretary HODEL. That is what I understand this to be saying.

Senator McCLURE. Well, that is what I understood you to have told us as what would flow from the language in the House bill.

And if that is the effect then this would effectively establish this expenditure as a priority over the previously appropriated monies.

Secretary HODEL. Yes, it would because the previously appropriated monies were appropriated from the Land and Water Conservation Fund for land acquisition, and we get into that difficult position we have been in on report language designating how the money is supposed to be spent.

Senator McCLURE. It is not only report language. Sometimes there is a specific appropriation.

Secretary HODEL. My understanding is, and this may not be correct, but as I have had this described to me, specific appropriation language would prevail.

Senator McCLURE. It would prevail even though this is a subsequent enactment?

Secretary HODEL. What I am being told is that the attorneys' and the OMB's view is that because this directs the Secretary to spend the money, it would override even specific appropriations.

Senator McCLURE. That is what I had understood the previous document to indicate to us. Being the latest Congressional enactment to the extent that funds were available and remained unexpended, this would override the earlier direct appropriation, in the view that you are presenting us.

Secretary HODEL. That is the advice I am getting. Yes, sir.

Senator McCLURE. I find that very troubling, as you might guess, and I suspect that Senators from some 49 other states, maybe 50 states, will find it difficult to accept the notion that this automatically moves to the head of the list.

Now, I am not just talking now about the $2 or $3 billion of backlog of authorized but unappropriated funding. I am talking about the specific funding that has been provided. That too gets shoved to the rear, as this would take precedence.

We are left with the dilemma here on this side of the table, because if we are going to have a legislative taking then we certainly have an obligation to pay the bill.

Now, I realize that is not always honored around here, and I know my friend from Arkansas has indicated that he is a great defender of the Constitution, and I applaud that. I try to do so too, while his view of defense and mine may be different.

But I think one of the Constitutional principles is that you do not take private property without compensation. I assume that if we are going to defend the Constitution and we are going to take private property we are going to pay for it. To the extent that we have taken private property, we should pay for it.

That would mean to me that to the extent we have taken private property by the passage of legislation, and under the precedents you have cited to us, and as your lawyers have advised you then everything else that has been, whether appropriated or not, remains unexpended, and would move back a notch while this was paid for.

Secretary HODEL. Yes.

Senator McCLURE. That has not been what happened in the Redwoods case. As I recall, that happened in 1978, and that has not been paid for yet.

And Mr. Secretary, I think perhaps I had better recess and go vote, and I will return. And in the meantime, you can put all of your heads together. Thank you.

[Recess.]

Senator BUMPERS. The subcommittee will come to order. Mr. Secretary, I have no further questions of you, but I think other Members of the panel may.

And I would like to do it this way. If it will accommodate your schedule, allow the Corps of Engineers representative to testify. His statement is fairly short. The other Members who have gone to vote will be back shortly who have additional questions of you, and then we will put you back on. .

Can you accommodate that?

Secretary HODEL. Surely.

Senator BUMPERS. Thank you very much. Our next witness is Colonel Joseph J. Thomas, District Engineer of the Norfolk District Corps of Engineers.

Welcome, Colonel. Take a seat. Pull that microphone up very close to your mouth please. For the record, Colonel, could you tell us who your assistant is here?

STATEMENT OF COL. JOSEPH J. THOMAS, NORFOLK DISTRICT ENGINEER, U.S. ARMY CORPS OF ENGINEERS, ACCOMPANIED BY JULIE STEELE, CHIEF, WATERWAYS INSPECTION SECTION, NORFOLK, U.S. ARMY CORPS OF ENGINEERS

Colonel THOMAS. Sir, I am looking for my assistant. She went out for a break and I have impressed Colonel Harvey to help me.

Senator Bumpers, I am Colonel Joe Thomas, and I am the commander of the Norfolk District, the Army Corps of Engineers. I had a technical assistant, she will probably be back in here in a few minutes, Ms. Julie Steele. She is the Chief of the Waterways Inspection Station in Norfolk.

Today I will address the Corps' regulatory program and our involvement with the William Center tract in Manassas. The 1972 amendments to the Federal Water Pollution Control Act, further amended in 1977, and now known as the Clean Water Act, gave what is commonly called Section 404 authority to the Department of the Army.

The Secretary of the Army, acting through the Chief of Engineers, is authorized to issue permits for the discharge of dredged or fill materials into waters of the United States, pursuant to Section 404 of the Clean Water Act.

The waters of the United States are defined as encompassing navigable waters plus their tributaries, adjacent wetlands and isolated waters where the use, degradation or destruction of such waters could affect interstate or foreign commerce.

This permit authority has been delegated by the Secretary to the Army, to the Chief of Engineers, and his authorized representatives.

The basic form of authorization used by the Corps District is the individual permit, and processing of such permits involves evaluation of individual project-specific applications.

An alternate form of authorization is the general permit. Now, general permits are not usually developed for an individual applicant, but cover activities that the Corps has determined to be substantially similar in nature, and causing only minimal individual and cumulative environmental impacts. Nationwide and general permits are issued by the Chief of Engineers, and are found in the Federal Register.

Waters of the United States at the William Center tract are comprised of approximately 19 acres of non-tidal wetlands adjacent to Youngs Branch, and several meandering streams. These areas are shown in green on the plan over here. The entire William Center tract is outlined in black.

The nationwide general permits associated with this site apply to road crossing fills, fills for utility lines and up to 10-acre fills in certain situations.

The nationwide permits have conditions, one of which requires prior notification to the District Engineer if the activity within the Corps jurisdiction may adversely affect historic properties.

Now, some work in these waters had already occurred. But I had not been notified by the developers, as required, since the fills may affect historic properties. And I issued the first system cease and desist order and suspended the nationwide permits for fill and waters of the United States within this tract on June 22nd, 1988.

Now, the William Center tract has been divided into two completely separate development entities. The Hazel/Peterson tract is shown as the clear area, and the Equity Resources property is highlighted in yellow.

Violations on the Hazel/Peterson property are shown in red, and the violations on the Equity Resources property are shown in blue.

One 26 August 1988 Hazel/Peterson removed all fill from waters of the United States, thus effectively removing the Corps' involvement in any development activity at their site.

However, just yesterday, we discovered additional violations committed subsequent to that date, and my staff back in Norfolk is discussing what action to take with the U.S. Attorney's office at this time.

Minor fills in waters of the United States still exist on the Equity Resources site and have yet to be resolved. Violations on the Equity Resources property are shown in blue.

I issued the second cease and desist order to Equity Resources on August 9th. There are five areas of violation, as a result of the emplacement of two storm sewer lines and three minor road crossings.

The historic resources coordination is currently being initiated for these five sites. That coordination requires the developer to provide the Corps with sufficient information to make a determination as to the effect of the fill activity on historic properties.

Once the determination is complete, we are required to coordinate our findings with the State Historic Preservation Officer, and the Advisory Council on Historic Preservation. Upon completion of this coordination, I will decide whether the fill activities qualify for a nationwide permit or require further review under the individual permit process.

Currently, neither Hazel/Peterson nor Equity Resources have permit applications before us for consideration. However, if applications are received for definitive proposals, they will be evaluated and historic resources coordination will be conducted.

The impact of the total development on historical properties is unknown to the Norfolk District and is really not a consideration in our review of the wetland fills at the site.

It appears, however, that development of the uplands will continue to occur, with or without fill activity in the wetlands. Out of the total 542-acre tract of land, only 19 acres, or 3.5 percent, are within the regulatory authority of the Corps.

The entire upland development, the construction of the mall, the office complexes, the housing development, will occur with only minor if any involvement at all by the Corps. The Corps does not have the authority to stop construction on the uplands.

And sir, I will answer any questions you may now have.

[The prepared statement of Colonel Thomas follows:]

DEPARTMENT OF THE ARMY

COMPLETE STATEMENT

OF

COLONEL JOSEPH J. THOMAS
NORFOLK DISTRICT ENGINEER
U.S. ARMY CORPS OF ENGINEERS

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
UNITED STATES SENATE

ON

H.R. 4526

TO ACQUIRE

ADDITIONAL LAND FOR THE MANASSAS NATIONAL BATTLEFIELD PARK

SEPTEMBER 8, 1988

NOT TO BE RELEASED UNTIL APPROVED BY THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

DEPARTMENT OF THE ARMY

COMPLETE STATEMENT
OF
COLONEL JOSEPH J. THOMAS
NORFOLK DISTRICT ENGINEER
U.S. ARMY CORPS OF ENGINEERS
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SEPTEMBER 8, 1988

Senator Bumpers, Subcommittee members, ladies and gentlemen, I am Colonel Joe Thomas, Commander, U. S. Army Corps of Engineers, Norfolk District. This is my technical assistant Ms. Julie Steele, Chief, Waterways Inspection Section in Norfolk. Today I will address the Corps Regulatory program and our involvement with the Williams Center tract in Manassas, Virginia.

The 1972 amendments to the Federal Water Pollution Control Act, further amended in 1977 and now known as the "Clean Water Act", gave what is commonly called Section 404 authority to the Department of the Army. The Secretary of the Army, acting through the Chief of Engineers is authorized to issue permits for the discharge of dredge or fill material into Waters of the United States pursuant to Section 404 of the Clean Water Act. Waters of the United States are defined as encompassing navigable waters plus their tributaries, adjacent wetlands and isolated waters where the use, degradation or destruction of such waters could affect interstate or foreign commerce. This permit authority has been delegated by the Secretary of the Army to the Chief of Engineers and his authorized representatives.

The basic form of authorization used by the Corps District is the individual permit. Processing of such permits involves evaluation of individual project specific applications. An alternate form of authorization is the General Permit. General permits are not usually developed for an individual applicant, but cover activities the Corps has determined to be substantially similar in nature and causing only minimal individual and cumulative environmental impacts. Nationwide general permits are issued by the Chief of Engineers and are found at 33 CFR 330.

Waters of the United States at the Williams Center tract are comprised of approximately 19 acres of non-tidal wetlands adjacent to Youngs Branch and several meandering streams. These areas are shown in green on the plan. The entire William Center tract is outlined in black. Nationwide general permits associated with this site apply to road crossing fills, fills for utility lines and up to 10 acre fills in certain situations. The Nationwide Permits have conditions, one of which requires prior notification to the District Engineer if the activity within the Corps jurisdiction may adversely affect historic properties. Some work in these waters had already occurred but I had not been notified by the developers as required since the fills may affect historic properties. I issued the first cease and desist order and suspended the Nationwide Permits for fill in waters of the United States within this tract on June 22, 1988.

The Williams Center tract has been divided into two completely separate development entities. The Hazel/Peterson tract is shown as the clear area and the Equity Resources Property is highlighted in yellow. The violations on the Hazel/ Peterson property are shown in red and the violations on the Equity Resources property are shown in blue. On August 26, 1988 Hazel/ Peterson removed all fill from waters of the United States, thus effectively removing the Corps involvement in any development activity at the site.

Minor fills in waters of the United States still exist on the Equity Resources site and have yet to be resolved. The violations on the Equity Resources property are shown in blue. I issued the second cease and desist order to Equity Resources on August 9, 1988. There are five areas of violation as a result of the emplacement of two storm sewer lines and three minor road crossings. The historic resources coordination is currently being initiated for these five sites. The coordination requires the developer to provide the Corps with sufficient information to make a determination as to the affect of the fill activity on historic properties. Once the determination is complete we are required to coordinate our findings with the State Historic Preservation Officer and the Advisory Council on Historic Preservation. Upon completion of this coordination, I will decide whether the fill activities qualify for a Nationwide Permit or require further review under the individual permit process. Currently, neither Hazel/Peterson nor Equity Resources have permit applications before us for consideration. However, if applications are received for definitive proposals, they will be evaluated and historic resources coordination will be conducted.

The impact of the total development on historical properties is unknown to the Norfolk District and is not a consideration in our review of the wetland fills at the site. It appears however that development of the uplands will continue to occur with or without fill activity in the wetlands. Out of the total 542 acre tract of land, only 19 acres, or 3 1/2 percent, are within the regulatory authority of the Corps. The entire upland development- the construction of the mall, the office complexes, the housing development- will occur with only minor, if any, involvement by the Corps. The Corps does not have the authority to stop construction on the uplands. I will now answer any questions that you may have.

—

Senator **Bumpers**. Colonel, you said you just yesterday discovered new violations. What were those?

Colonel **Thomas**. If I could ask Julie to go back over there again.

Sir, in one of the areas shown in red that she is pointing to now, they had originally discharged fill material in that site. They had taken it out and repaired it. They have gone back in there again with a sewer line.

And what they actually did was, in excavating for the sewer, for the sewage line, had side cast the material from that excavation into the wetlands. Therefore, under the definition of the law, that is a discharge of fill material.

Senator **Bumpers**. Was that in violation of your original cease and desist order?

Colonel **Thomas**. Yes, sir. And that is why I have asked my folks back at home to discuss the situation with the U.S. Attorney, to see what action we should take at this point.

Senator **Bumpers**. Other than that, has everything pretty much been resolved to your satisfaction?

Colonel **Thomas**. With Hazel/Peterson, yes sir. With Equity Resources, we are still working with them to come up with a solution.

Senator **Bumpers**. Senator McClure?

Senator **McClure**. Thank you, Mr. Chairman. Mr. Chairman, I have been called to assist managing a bill on the floor for the next few minutes, and I will be unable to remain here.

I am sorry that I cannot, but I have some additional questions that I would submit to the Secretary for response in writing for the record. And I apologize for my inability to stay here longer.

Secretary **Hodel**. Mr. Chairman, I would like to ask permission to submit for the record also a clarifying answer to the line of questions that the Senator was asking regarding the source of funds, because my counselors are in dispute over the correct answer.

And I would like to get them resolved and then submit an answer which is our definitive position.

Senator **McClure**. If you would like, you can submit both or all answers from your several advisors, and we will try to sort that out.

I think it is important for us to know what the alternatives may well be, because certainly before we pass any legislation we are going to try to address the question of how this is to be paid and how that will affect previous appropriations, both specific and general.

So we perhaps have two or three answers to questions, but I do not see how we can responsibly pass a bill without having addressed that series of questions.

Senator **Bumpers**. I could not agree more, Senator McClure, that certainly has to be addressed.

My staff has just got on that today, and they have not been able to resolve it either.

Senator **McClure**. Mr. Chairman, thank you very much. And again, I apologize to the witnesses and all those who are interested in this subject matter, that I am unable to stay any further at this particular time. But I know we will have the opportunity to discuss it further. Thank you.

Senator **Bumpers**. Colonel, thank you very much for being with us today and bringing your able assistants with you.

Secretary Hodel, so far as I know, since Senator McClure has gone and Senator Murkowski has not returned, you also may be excused. Thank you, Mr. Mott, and all of your assistants for being with us.

Secretary **Hodel**. Thank you, Senator.

Senator **Bumpers**. Our first panel is Mr. William H. Leighty, Deputy Secretary of Transportation for the Commonwealth of Virginia, and Kathleen K. Seefeldt, Chairman of the Prince William County Board of Supervisors.

Mr. Leighty, your name is first on my list, so would you please proceed with your testimony?

STATEMENT OF WILLIAM H. LEIGHTY, DEPUTY SECRETARY OF TRANSPORTATION, COMMONWEALTH OF VIRGINIA

Mr. **Leighty**. Mr. Chairman, Senator Trible, Members of the subcommittee, thank you for providing the Commonwealth of Virginia an opportunity to comment today on H.R. 4526, authorizing the legislative taking of the William Center property adjacent to the Manassas Battlefield Park.

Several months ago I was designated as the Commonwealth's principal contact person on this particular issue. Since that time I have met with numerous Federal officials, local government officials, and private parties concerning the William Center property and its associated transportation challenges.

Virginia's message concerning the transportation issues has been simple and consistent. The Commonwealth is most interested in resolving the Manassas Battlefield Park situation in a manner that contributes to improving the transportation network, both within the park and within our Northern Virginia localities.

Within this overall framework there are obviously several complex problems. Let me address two major issues that Governor Baliles pointed out in his July 15, 1988 letter to Senator Warner, which is attached for the record.

First, there is the immediate concern of development of the William Center parcel. Second, there is the longer-range concern with the impact of the increased vehicular utilization of Route 234 and Route 29 through the present park boundaries.

With respect to the William Center parcel, it is clear that until a decision on its historical significance is made by Congress, there will be no end to the present debate.

The Virginia State Historic Preservation Officer has been asked to comment by the U.S. Army Corps of Engineers on the historical significance of the William Center tract. He has done so and I have attached that also for the record.

With regard to the longer-range discussions of the Route 234 bypass and major road improvements necessary should routes through the existing park be restricted or closed, we urge you to consider the traffic impacts identified in the Virginia Department of Transportation study dated June 20, 1988, which is attached as number three, with the testimony.

It is our opinion that the minimum realistic cost of constructing alternatives to the existing routes is $101 million in current dollars. This construction simply cannot be funded by the Federal authorization provided in Section 4 of H.R. 4526. In fact, the authorization falls short by at least $70 million.

The result of this dramatic funding shortfall on Virginia was addressed also by Governor Baliles in his July 15th letter, when he indicated to Senator Warner that "the Commonwealth Transportation Board can only advance the construction of these improvements by eliminating or dramatically delaying critically needed projects in Northern Virginia outside the park boundaries. I therefore respectfully urge you and your colleagues to provide the necessary Federal resources to effect the highway improvements within the park vicinity requested by the National Park Service."

Mr. Chairman, the Members of the subcommittee face many critical decisions each day in your service to the citizens of the nation. Virginia has been and will continue to be a contributing partner in searching for solutions to this issue on the William Center and Manassas National Battlefield Park.

We sincerely hope that you will take into account the critical transportation needs facing the citizens of the Commonwealth of Virginia as you forge your solution on this important issue. I would be happy to answer any questions you have.

[The prepared statement of Mr. Leighty follows:]

STATEMENT OF WILLIAM H. LEIGHTY
DEPUTY SECRETARY OF TRANSPORTATION FOR THE COMMONWEALTH OF VIRGINIA
ON H. R. 4526
MANASSAS NATIONAL BATTLEFIELD PARK

September 8, 1988

Mr. Chairman and members of the Subcommittee. Thank you for providing the Commonwealth of Virginia an opportunity to comment on H.R. 4526, authorizing a "legislative taking" of the William Center property adjacent to the Manassas National Battlefield Park.

Several months ago I was designated as the Commonwealth's principal contact person on this issue. Since that time I have met with numerous federal officials concerning the William Center property and its associated transportation challenges. Virginia's message concerning the transportation issues has been simple and consistent:

> The Commonwealth is most interested in resolving the Manassas Battlefield Park situation in a manner that contributes to improving the transportation network both within the park and within our Northern Virginia localities.

Within this overall framework there are obviously several complex problems. Let me address the two major issues Governor Baliles pointed out in his July 15, 1988 letter to Senator Warner (Attachment 1). First, there is "the immediate concern of the development of the William Center Parcel." Second, there is the "longer range concern with the impact of increased vehicular utilization of Route 234 and Route 29 through the present park boundaries."

With respect to the William Center parcel, it is clear that until a decision on its historical significance is made by Congress, there will be no end to the present debate. Virginia's State Historic Preservation Officer has been asked by the U. S. Army Corps of Engineers to comment on the historical significance of the William Center tract, and he has done so (Attachment 2).

With regard to the longer-range discussions of the Route 234 bypass and major road improvements necessary, should routes through the existing Park be restricted or closed, we urge you to consider the traffic impacts identified in the Virginia Department of Transportation's staff report dated June 20, 1988 (Attachment 3). It is our opinion that a minimum realistic cost of constructing alternatives to the existing routes is $101 million in current dollars. This construction simply cannot be funded by the federal authorization provided in Section 4 of H. R. 4526. In fact, that authorization falls at least $70 million short of necessary funding.

The result of this dramatic funding shortfall on Virginia was addressed by Governor Baliles on July 15, when he indicated to Senator Warner, "The Commonwealth Transportation Board can only advance the construction of these improvements by eliminating or dramatically delaying critically needed projects in Northern Virginia outside the Park boundaries.... I therefore respectfully urge you and your colleagues to provide the necessary federal resources to effect the highway improvements within the Park vicinity requested by the National Park Service."

Mr. Chairman, the members of the Subcommittee face many critical decisions each day in your service to the citizens of this nation. Virginia has been and will continue to be a contributing partner in searching for solutions to this issue of the William Center and Manassas National Battlefield Park. We sincerely hope that you will take into account the critical transportation needs facing the citizens of the Commonwealth of Virginia as you forge your solution to this important issue.

Thank you.

COMMONWEALTH of VIRGINIA
Office of the Governor
Richmond 23219

Gerald L. Baliles
Governor

July 15, 1988

The Honorable John Warner
Member, United States Senate
421 Russell Senate Office Building
Washington, D.C. 20510

Dear John:

Thank you for your letter of June 28, forwarding copies of your recent correspondence to Senator Bumpers with respect to proposed legislation affecting the Manassas National Battlefield Park. As you know, three measures introduced in the House of Representatives also address this matter.

It is my understanding that there are two issues Congress seeks to address with this legislation -- an immediate concern with the development of the William Center parcel, and a longer-range concern with the impact of increased vehicular utilization of Route 234 and Route 29 through the present Park boundaries. Let me address each concern separately.

(1) With respect to the William Center parcel, and noted in your correspondence, Congress has declined several times since 1970 to provide funds to acquire this parcel and include it within the Park boundaries. The latest decision not to acquire occurred in 1980, though you also note that "at least a portion of the William Center tract is significant to the Second Battle of Manassas."

It is obvious that the national historic significance of the tract is a fundamental question of fact which must be answered by the federal government. Neither the Commonwealth nor Prince William County can make such a determination or declaration. Indeed, until such a decision is made with finality by the federal government, the present controversy will continue.

(2) With respect to the highway improvements being discussed for I-66, the Route 234 by-pass, and necessary interchanges, the Commonwealth will strive to continue to utilize the very constrained highway construction funds in Northern Virginia available to address the increase in traffic through the Park. As you know, however, the Commonwealth Transportation Board can only advance the construction of these improvements by eliminating or dramatically delaying critically needed projects in Northern Virginia outside of the Park boundaries.

In summary, it appears that the Commonwealth may be called upon to fund traffic improvements within a federal park at the expense of state and county projects already scheduled throughout Northern Virginia. I, therefore, respectfully urge you and your colleagues to provide the necessary federal resources to effect the highway improvements in the Park vicinity requested by the National Park Service.

If I or my staff can be of any additional assistance to you or your colleagues in this matter, please let me know.

With kindest regards, I am

Sincerely,

Gerald L. Baliles

GLB/av

cc: The Honorable Paul S. Trible, Jr.
The Honorable Frank Wolf
The Honorable Stanford E. Parris
The Honorable D. French Slaughter, Jr.
The Honorable Vivian E. Watts
The Honorable John W. Daniel, II
Mr. Ray Pethtel

Divisions
Historic Landmarks
Litter Control
Parks and Recreation
Soil and Water Conservation

B. C. LEYNES, JR.
Director

COMMONWEALTH of VIRGINIA
Department of Conservation and Historic Resources
Division of Historic Landmarks
H. Bryan Mitchell, Director

221 Governor Street
Richmond, Virginia 23219
Telephone (804) 786-3143

August 5, 1988

Mr. William H. Poore, Jr., Chief
Regulatory Branch, Department of the Army
Norfolk District, Corps of Engineers
Fort Norfolk, 803 Ocean Front
Norfolk, Virginia 23510-1096

Attention: Permits Section (Youngs Branch)

Dear Mr. Poore:

Thank you for your letter of June 27 (received here on July 6) concerning the William Center development adjacent to the Manassas National Battlefield Park. In your letter and in subsequent telephone conversations between our offices you have asked whether the proposed road crossing of Youngs Branch, the proposed impoundment for storm-water retention, the proposed utility crossing of Youngs Branch, and the proposed development of the tract generally will result in any adverse effect on National Register or Register-eligible properties. You have also asked for an assessment of the historical analysis of the tract prepared by the Hazel/Peterson Companies.

Based on this office's review of various primary and secondary sources pertaining to the Second Battle of Manassas, it is my opinion that the William Center tract constitutes a portion of the nationally significant Manassas Battlefield, and that the William Center tract is therefore eligible for the National Register of Historic Places pursuant to Criterion A and Criterion B of the National Park Service's "National Register Criteria for Evaluation." In addition, the tract lies adjacent to the Manassas National Battlefield Park, which constitutes a portion of the original battlefield and which is already on the National Register. Consequently, any significant development of the tract will have an effect on what I believe is a Register-eligible resource, and it will have the potential to affect the adjacent property listed on the Register.

With specific regard to the archaeological resources identified on the tract in the Hazel/Peterson report, "Man and the Land," our view is that the predictive model used to locate sites is not adequate, and that a field survey of the entire tract is warranted. Concerning the nine sites identified in that report, we disagree with the report's conclusion that none warrant further investigation. No further testing is needed for sites labeled P-2 and P-4. For the remaining seven sites the evidence presented in the report is insufficient to conclude that the sites are insignificant, so we recommend Phase II testing of those sites. The developer's archaeological consultant should carry out the additional field survey and site testing necessary to determine adequately the significance of archaeological remains on the land under consideration, and that additional report should be submitted to this office for review.

To assess the impact of building a road across Youngs Branch, or the impact of creating an impoundment for storm-water retention, or the impact of a utility crossing of Youngs Branch, we must examine the impact of the development project of which they are an integral part. The Illustrative Site Plan provided to your office and to ours by the Hazel/Peterson Companies shows development of the entire 542 acre tract, including a large residential development, a shopping mall, and an office park. However, not every item you mention appears to serve every part of the development.

Concerning a road crossing Youngs Branch, the map prepared by the developer, which you sent us, shows the proposed William Center Boulevard coming to a dead end at the edge of Youngs Branch - it is presumably the portion of that road designed to serve the residential development, and probably the only portion of the road for which the location has been platted so far. The developer's Illustrative Site Plan for the whole tract shows the Boulevard continuing through the entire development, serving as its main thoroughfare, and apparently crossing Youngs Branch. To comment on the effect of the road crossing of Youngs Branch is to comment on the effect of the entire William Center development.

With regard to the proposed storm-water impoundment, the map you provided us shows the proposed dam on Youngs Branch and the resulting retention pond. The Illustrative Site Plan also shows the pond. The map recently provided to us by the developer, which focuses only on the impending residential development and shows the proposed utility line across Youngs Branch, shows no proposed dam or pond, presumably because they are not a part of the residential development. To comment on the effect of the retention pond is to comment on the effect of the nonresidential portion of the development it apparently serves.

The utility (water and sewer) crossing of Youngs Branch is shown on the developer's latest map at the eastern end of the tract and is represented as being of sufficient size to serve only the residential development. Commenting on the utility crossing involves commenting on the residential development, so long as it remains independent of the balance of the development project.

Because our information on the project is far more general than specific at this point, my comments must now also be general and conditional. I believe that a development of the proportions of the one proposed here will have an adverse effect on the historic quality of the William Center tract. Concerning the residential portion of the development only, that portion alone is sufficient to constitute an adverse effect on the historic quality of the tract.

With regard to the potential for impact on the adjacent battlefield park, the greatest potential for an adverse effect on the park - either from the entire development or from the residential portion alone - would be visual intrusion of the development on the park and greatly increased traffic through the park, itself. Both a significant visual intrusion and a greatly increased volume of traffic through the park would constitute an adverse effect on that National Register resource. Obviously, the development as a whole represents greater potential here than does the residential portion alone. Whether the entire development or the residential portion as proposed does in fact constitute a visual intrusion on the park cannot be determined finally from any of the materials provided by the Corps or by materials we have received from others. Neither can we determine from those materials how much additional traffic through the park would be generated by the entire development or by the residential portion alone. While there appears to be considerable potential for adverse effects on the park, those effects would appear amenable to mitigation through such measures as appropriate buffer zones, height restrictions on the buildings, and provision of adequate alternate routes for the William Center traffic.

Assuming that there is agreement with the initial findings presented here and that there is no appeal to the Secretary of the Interior on the question of the William Center tract's eligibility for the National Register, we look forward to negotiating a Memorandum of Agreement on reasonable mitigation of the project's adverse effect on property deemed eligible for the National Register - the William Center tract - and on property already on the Register - the Manassas National Battlefield Park. That negotiation should include the Corps, the federal Advisory Council on Historic Preservation, this office, and interested parties, as prescribed by 36 CFR 800, and should come before the Corps issues any permit or lifts its current Cease and Desist Order for certain activities on the William Center tract. The Corps's ultimate decision on whether to authorize those activities subject to permit should take full account of that consultation.

Sincerely,

H. Bryan Mitchell

H. Bryan Mitchell
State Historic Preservation Officer

cc: Advisory Council on Historic Preservation
William Penn Mott, National Park Service

PRELIMINARY DRAFT

6/20/88

MANASSAS NATIONAL BATTLEFIELD PARK
The Effects of Closing Route 29 and Route 234 Within the Park Boundary

VDOT Staff Report by Transportation Planning Division

As a result of several requests for information, the Virginia Department of Transportation (VDOT) has performed a preliminary review of the impacts of closing Routes 29 and 234 through the Manassas National Battlefield Park.

The proposal to close Route 29 between Pageland Lane (Route 705) and Bull Run and Route 234 between the Northern Virginia Community College entrance and Featherbed Lane (Route 622) was evaluated. This preliminary report addresses the impact on the overall highway network that the closing of these roadways within the Park would produce.

The existing roadway network is shown on Figure 1, along with the present day traffic volumes. Both Route 29 and Route 234 are major transportation corridors in Prince William County as exhibited by the traffic counts. Also, in reviewing past traffic counts, substantial growth appears to be occurring in the corridors.

Route 29

Closing Route 29 through the Park would divert approximately 7,000 vehicles per day (vpd) to Route 66, resulting in an immediate need to widen this facility to six lanes between Gainesville and Centreville, a distance of 9.0 miles. Additionally, interchange improvements would be required at Route 29 (Gainesville), Route 234, and Route 29 (Centreville).

An alternative to widening Route 66 was explored which would provide a relocated Route 29 to the north (see Figure 6) having a length of 14.0 miles including an overlap of Route 15 between the Route 29 intersection at Buckland and the Route 66 interchange at Haymarket. Such a relocation would provide continuity for primary Route 29 as a through non-interstate route. This alternative does not appear feasible as an alternative to widening Route 66 since most through traffic would still use Route 66, which is the most direct routing between Gainesville and Centreville. The distance between common points, the intersection of Routes 15 and 29 at Buckland and the Routes 29 and 66 interchange at Centreville, is 14.0 miles for the relocation and 12.8 miles by overlapping Route 66.

Route 66, from its intersection with Route 81 to Washington, D.C., is paralleled by primary routes which could serve as alternative routes in the event of the blockage of the interstate. If the proposal for the abandonment of Route 29 through the park is implemented, there would be no alternatives for the traveling public. Such is of concern to the Department and merits additional study.

Route 234

Closing Route 234 through the Park would divert the majority of the existing traffic (nearly 6,000 vpd) to Route 15 north of Haymarket and Route 66. This would increase the volume on Route 15 to nearly 10,000 vpd and would require the immediate need for four-laning this facility from Route 66 to Route 234. Secondary Route 622 (Featherbed Lane) and Route 705 (Pageland Lane) between Route 29 and Route 234 would also be impacted. These facilities are presently substandard carrying low traffic volumes and, without significant improvements, are unlikely to accommodate the additional traffic diverted from Route 234. It should also be noted that since Route 622 runs through the Park, a significant increase in traffic on this facility may be detrimental to the Park.

An obvious alternative to the above improvements is the construction of the Route 234 Bypass project between Route 66 and Route 234 near Catharpin. Under today's conditions, and with the current land use, the initial traffic volumes would be in the range of 7,000 vpd. Until this segment of the Bypass is in place, consideration should not be given to the closing of Route 234 within the Park.

Another alternative suggested for the improvement of the Route 15 corridor was not evaluated due to time restraints.

Recommendations to mitigate the impacts of closing Routes 29 and 234 through the Park.

Improve Route 66 to six lanes by constructing one additional lane in each direction from Gainesville to Centreville:

9.0 miles	Cost: $22,500,000

Modify the Route 66/29 interchange at Gainesville by adding an additional lane to the Route 29 northbound-Route 66 eastbound ramp and an additional lane to the Route 66 westbound - Route 29 southbound ramp.

Cost: $ 4,000,000

Modify the Route 66/234 interchange by adding a lane to the northbound Route 234 - eastbound Route 66 ramp. Improve the capacity of the westbound Route 66 to southbound Route 234 movement which may necessitate a directional ramp, thereby requiring reconstruction of the interchange.

Cost: $10,000,000

Modify the Route 66/29 interchange at Centreville by adding a loop in the northwest quadrant for the southbound Route 29 to westbound Route 66 movement. The Six Year Improvement Program contains a project to upgrade this interchange to provide all movements, and the current design includes a loop in this quadrant. Additional improvements may be needed, to be determined after a detailed analysis.

Cost: $ 5,000,000

Construct the four lane Route 234 bypass from Route 66 north to existing Route 234 near Catharpin, and widen existing Route 234 from that point to Route 15 at Woolsey to four lanes. This would also include the proposed interchange with Route 66.

7.5 miles	Cost:	$59,674,000
	Total Cost	**$101,174,000**

Consideration should be given to shifting the alignment for the proposed Route 234 bypass (in the vicinity of the Route 29 crossing) to the east of Pageland Lane (Route 705) running it through the western edge of the Park to reduce private land acquisition and to avoid the reconstruction of Route 705. The National Park Service might be amenable to this as a trade-off for closing Route 234 through the Park. In the event that the National Park Service acquires the William Center tract, sufficient land should be reserved on the western edge for the construction of the Route 234 bypass. Some additional Park property may also be needed along Routes 66 and 705 for improvements in the Route 66 corridor.

The Virginia Department of Transportation should not abandon the right of way on Routes 29 and 234 within the Park boundaries until improvements are made on Route 66 and the Route 234 bypass has been constructed.

It would be appropriate that the federal government fund 100% of the cost of the recommendations to accommodate the Route 29 and Route 234 traffic that would be removed from the Park. It would also appear that since this would be a federal action the National Park Service would have to perform an environmental assessment with regard to the impacts of removing primary Routes 29 and 234 from the Park boundaries.

Previous Studies and Future/Proposed Development

The Department has had three studies made by consultants in recent years in the Manassas area that would be affected by the closing of Routes 29 and 234. The Route 66 HOV Feasibility Study from Gainesville to the Capital Beltway, dated March 1986, the Manassas (Route 234) Bypass Design Project dated February 1988, and the Route 234 Bypass Final Environmental Impact Statement approved by FHWA on January 8, 1981. The traffic projections used in these documents are based on projected land development in the Manassas area in accordance with the County's land use plans and/or in accordance with information provided by the localities. The documents may or may not include sufficient roadway recommendations on Routes 66 and 234 to accommodate a development such as the William Center. The Route 66 study calls for six conventional lanes between Gainesville and Route 234, and eight conventional lanes between Route 234 and Centreville with two auxiliary lanes in each direction between the proposed Route 28 Bypass interchange and Centreville. In addition, the study calls for two-lane HOV lanes in the median of Route 66 beginning in the vicinity of Groveton Road (Route 622) and running eastward through the Centreville interchange.

The Route 234 Bypass Design Project addresses that portion of the bypass south of Route 66. The entire Route 234 bypass is addressed in the Environmental Impact Statement approved on January 8, 1981, by FHWA. This document calls for the construction of a four-lane facility between Route 66 and Route 15 at Woolsey. The facility is on the new location between Route 66 and existing Route 234 in the vicinity of Catharpin. From this point, the study calls for parallel lane construction to Route 15. This study calls for a full interchange at Route 66 and a grade separation of Route 29 with no access, and it is assumed that the limited access features would end at existing Route 234 near Catharpin.

Proposed William Center Development

The Department has reviewed several alternative access plans for the proposed William Center development and discussed them with the FHWA. These concept plans are inconsistent with the EIS previously developed for Route 234 and their further development would require a new EIS. Further, direct access from the interstate into a private development is not consistent with federal or state policy.

The allotted time to prepare this staff report does not allow the analysis of all of the various scenarios that could be considered with regards to removing primary Routes 29 and 234 from the Park, with and without the proposed development of the William Center tract. We have made a cursory examination from a traffic standpoint (both existing and 2010 projections) on some of the various scenarios, which are shown on the attached Figures 2 through 6.

It should be noted that the federal legislation we have seen calls for Route 29 to be cut at Pageland Lane (Route 705). If the William Center site is not acquired by the National Park Service, the logical point to cut Route 29, if it is to be removed from the Park, would be at Featherbed Lane (Route 622), which is at the eastern end of the William Center tract.

This report is very preliminary and will be refined.

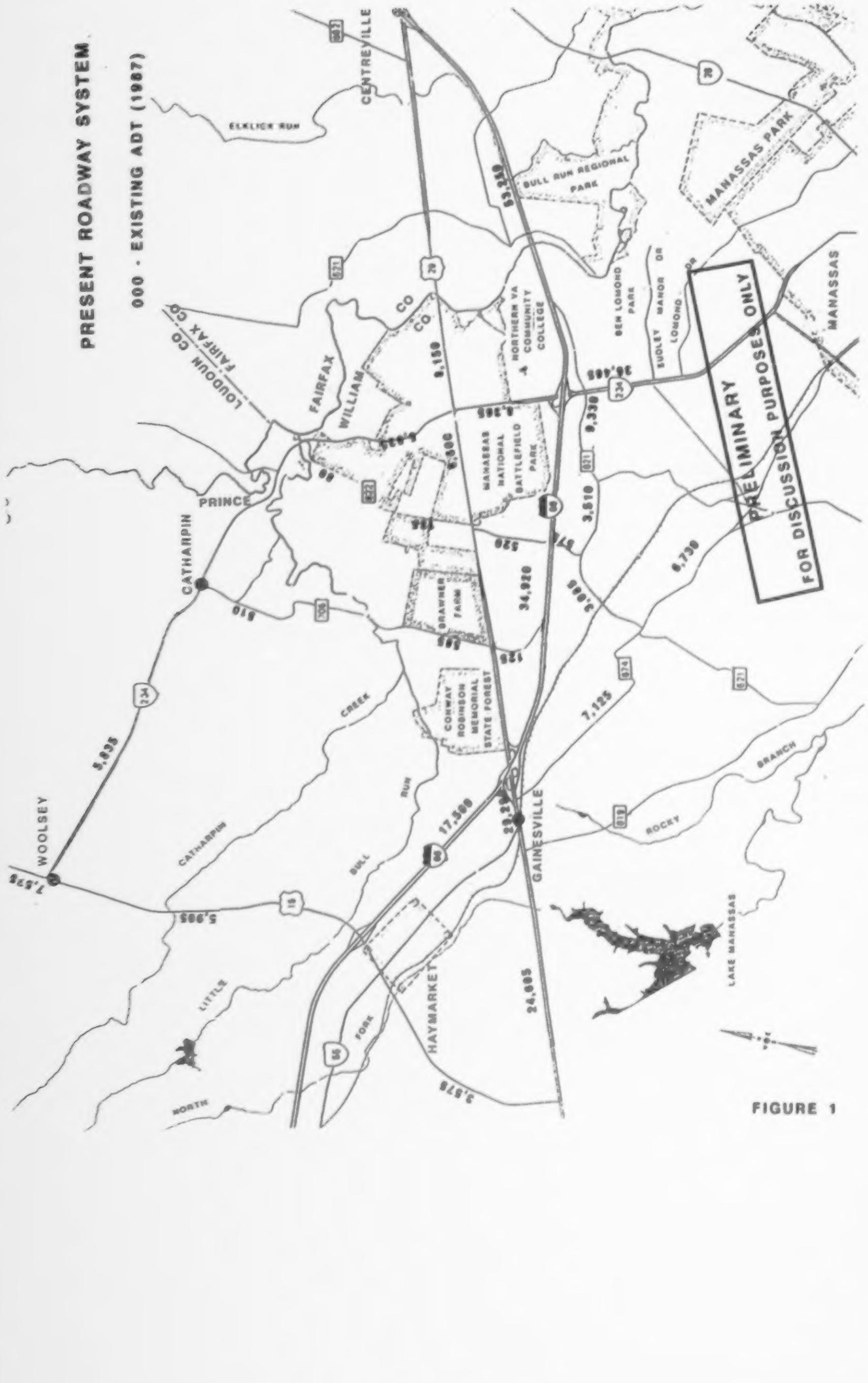

PRESENT ROADWAY SYSTEM
000 - EXISTING ADT (1987)
PRELIMINARY
FOR DISCUSSION PURPOSES ONLY
CENTREVILLE
ELKLICK RUN
BULL RUN REGIONAL PARK
MANASSAS PARK
MANASSAS
BEN LOMOND PARK
SUDLEY MANOR DR
LOMOND DR
NORTHERN VA COMMUNITY COLLEGE
MANASSAS NATIONAL BATTLEFIELD PARK
BRAWNER FARM
CONWAY ROBINSON MEMORIAL STATE FOREST
LOUDOUN CO
FAIRFAX CO
FAIRFAX
PRINCE WILLIAM CO
CATHARPIN
WOOLSEY
GAINESVILLE
HAYMARKET
LAKE MANASSAS
CATHARPIN CREEK
BULL RUN
LITTLE
NORTH FORK
ROCKY BRANCH
53,260
8,150
35,465
9,330
3,510
6,730
3,085
7,125
34,920
6,800
1,305
5,835
7,535
5,905
17,500
23,2
24,605
3,575
810
125
520
29
234
66
15
621
659
705
674
619
28

FIGURE 1

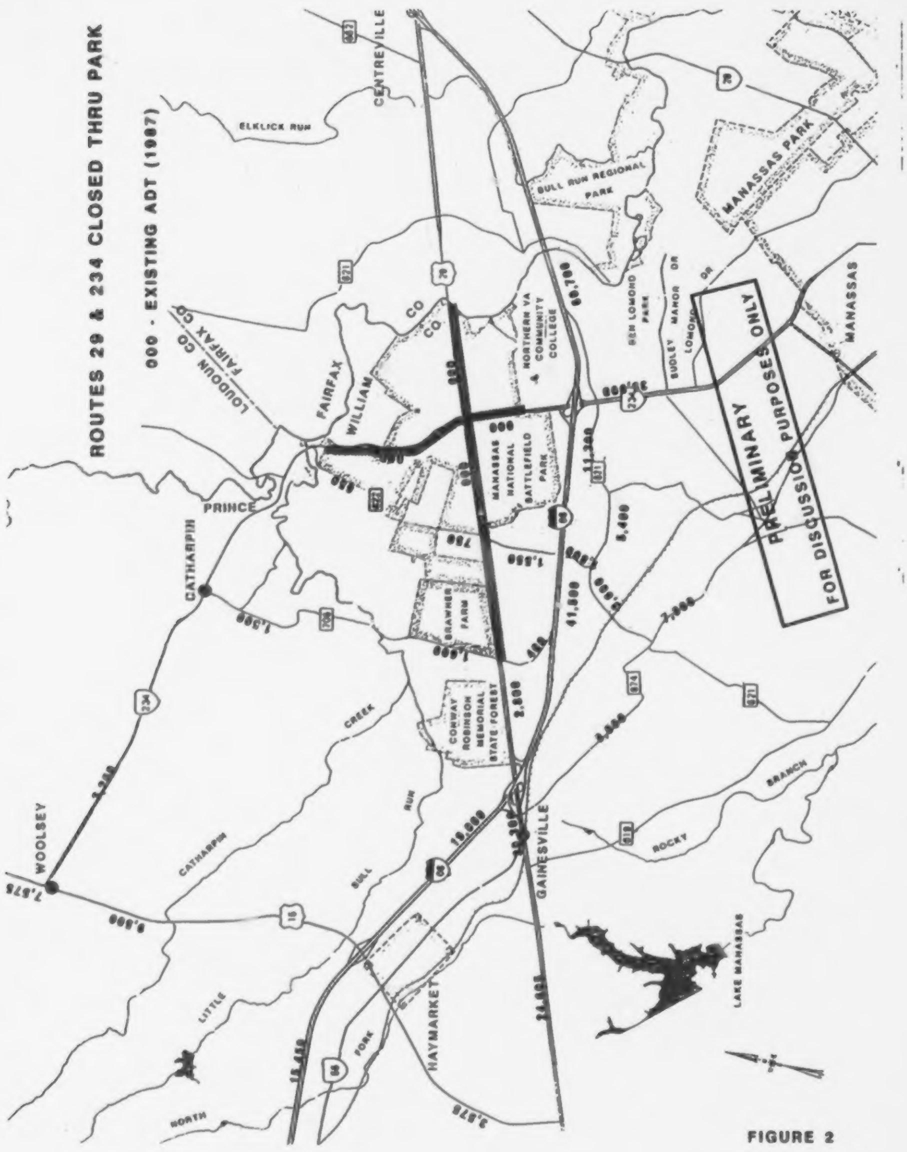
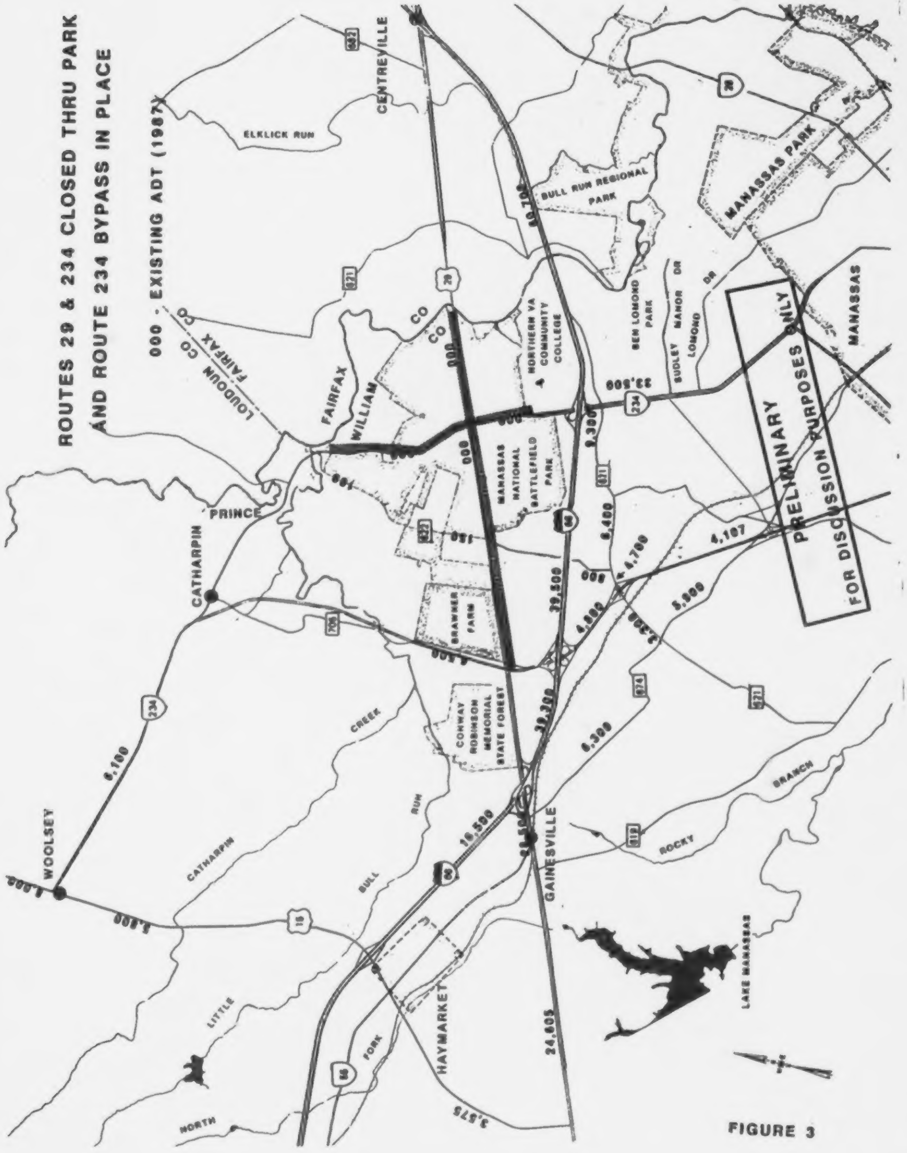

ROUTES 29 & 234 CLOSED THRU PARK
000 - EXISTING ADT (1987)
LOUDOUN CO
FAIRFAX CO
FAIRFAX CO
PRINCE WILLIAM CO
CENTREVILLE
ELKLICK RUN
BULL RUN REGIONAL PARK
MANASSAS PARK
MANASSAS
NORTHERN VA COMMUNITY COLLEGE
BEN LOMOND PARK
SUDLEY MANOR DR
LOMOND DR
MANASSAS NATIONAL BATTLEFIELD PARK
BRAWNER FARM
CONWAY ROBINSON MEMORIAL STATE FOREST
CATHARPIN
WOOLSEY
GAINESVILLE
HAYMARKET
LAKE MANASSAS
CATHARPIN CREEK
LITTLE BULL RUN
NORTH FORK
ROCKY BRANCH
29
234
66
15
55
621
622
659
674
705
619
7,575
9,800
3,300
1,500
1,000
3,878
15,440
19,000
24,105
2,800
41,500
60,700
11,200
5,400
7,000
3,600
PRELIMINARY
FOR DISCUSSION PURPOSES ONLY

FIGURE 2

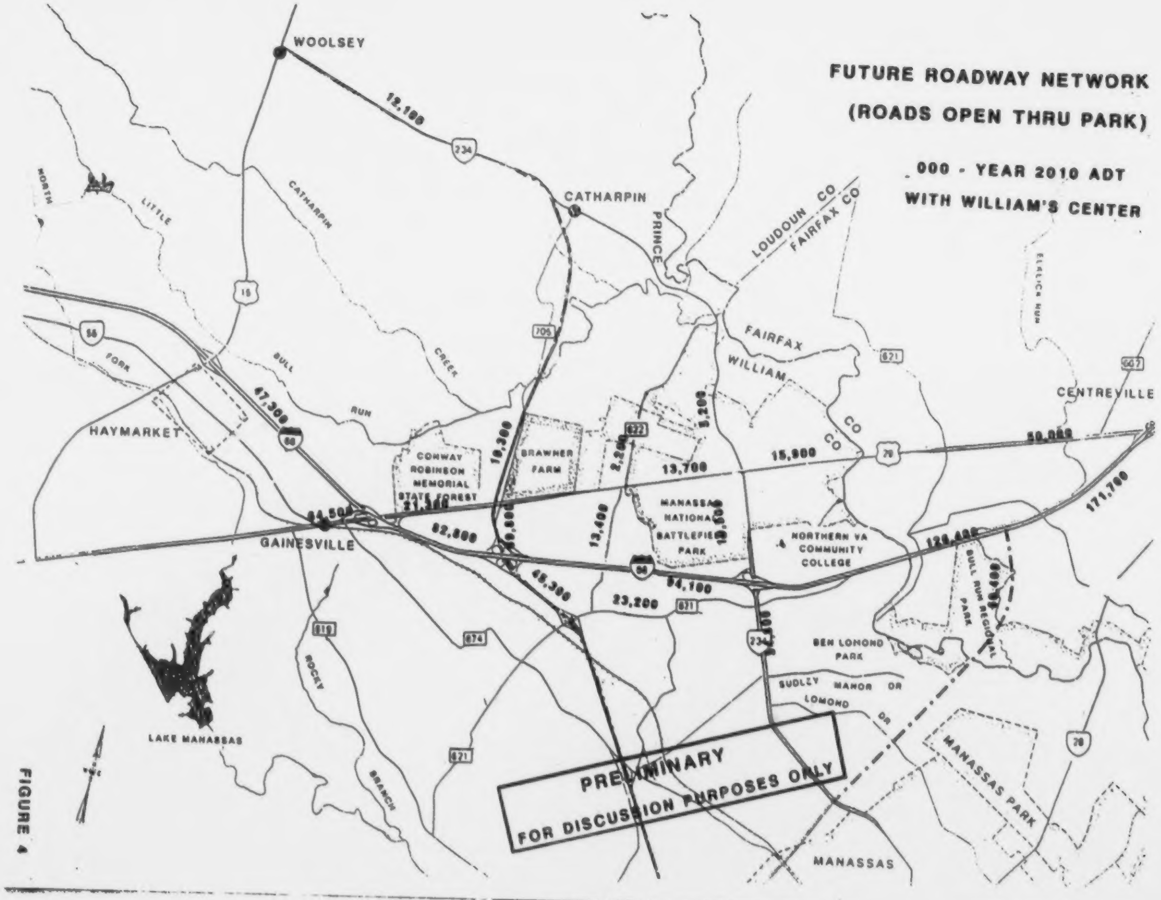


ROUTES 29 & 234 CLOSED THRU PARK
AND ROUTE 234 BYPASS IN PLACE

000 - EXISTING ADT (1987)

PRELIMINARY
FOR DISCUSSION PURPOSES ONLY
LOUDOUN CO
FAIRFAX CO
FAIRFAX CO
PRINCE WILLIAM CO
ELKLICK RUN
CENTREVILLE
BULL RUN REGIONAL PARK
MANASSAS PARK
MANASSAS
BEN LOMOND PARK
SUDLEY MANOR DR
LOMOND DR
NORTHERN VA COMMUNITY COLLEGE
MANASSAS NATIONAL BATTLEFIELD PARK
BRAWNER FARM
CONWAY ROBINSON MEMORIAL STATE FOREST
CATHARPIN
CATHARPIN CREEK
BULL RUN
WOOLSEY
GAINESVILLE
HAYMARKET
LITTLE
NORTH FORK
ROCKY BRANCH
LAKE MANASSAS
29
234
66
15
55
28
621
622
705
674
619
10,700
33,500
9,300
6,400
4,700
4,107
5,900
29,500
4,800
3,200
39,300
6,300
19,500
24,605
3,575
6,100
5,800
5,600
000

FIGURE 3

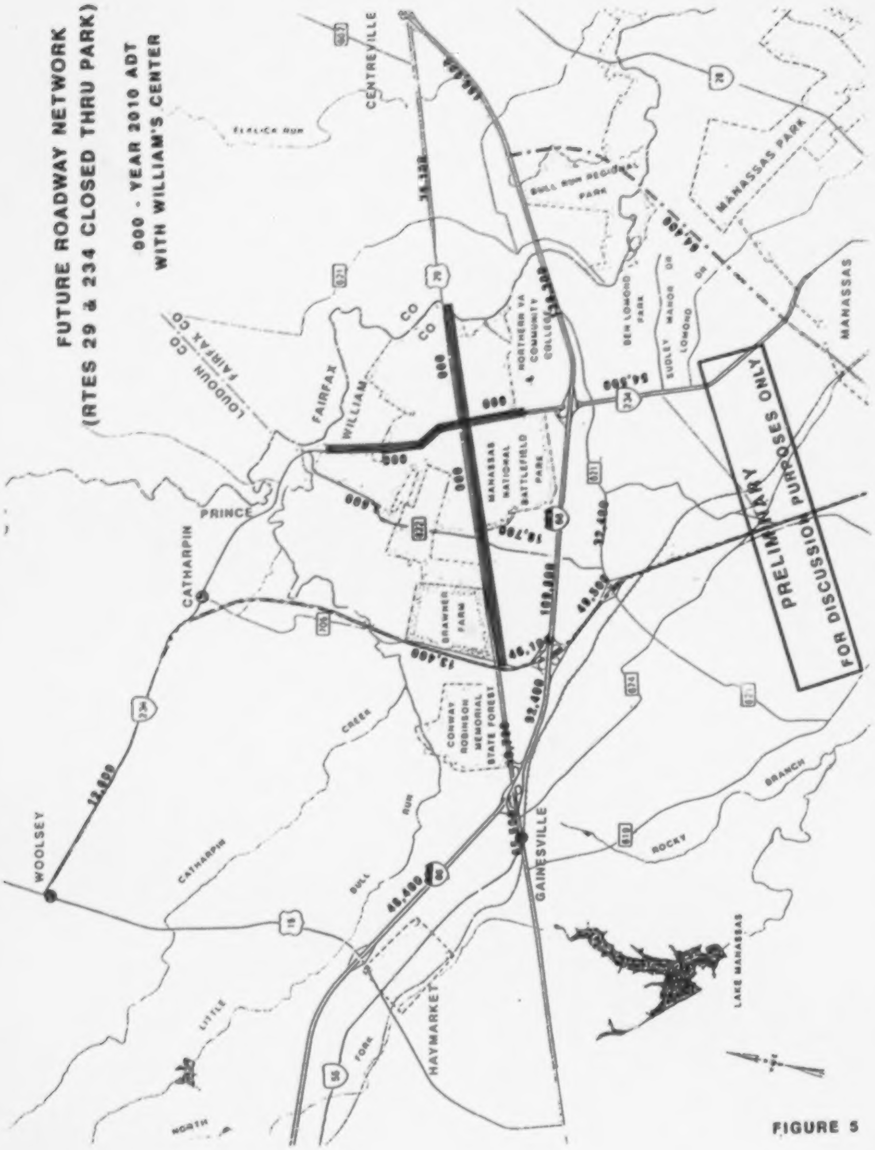


FUTURE ROADWAY NETWORK
(ROADS OPEN THRU PARK)

.000 - YEAR 2010 ADT
WITH WILLIAM'S CENTER

WOOLSEY
12,100
234
CATHARPIN
PRINCE
LOUDOUN CO
FAIRFAX CO
ELKLICK RUN
FAIRFAX
WILLIAM
CO
CO
621
667
CENTREVILLE
50,000
NORTH
LITTLE
CATHARPIN
15
55
FORK
BULL
CREEK
RUN
705
47,300
66
HAYMARKET
CONWAY
ROBINSON
MEMORIAL
STATE FOREST
BRAWNER
FARM
19,300
622
2,200
5,200
13,700
15,900
29
171,700
21,300
64,500
GAINESVILLE
82,800
40,000
13,400
MANASSAS
NATIONAL
BATTLEFIELD
PARK
10,000
NORTHERN VA
COMMUNITY
COLLEGE
128,400
BULL RUM REGIONAL
PARK
45,300
66
94,100
23,200
621
234
BEN LOMOND
PARK
SUDLEY MANOR DR
LOMOND DR
619
674
ROCKY
BRANCH
LAKE MANASSAS
621
MANASSAS PARK
29
MANASSAS
PRELIMINARY
FOR DISCUSSION PURPOSES ONLY

FIGURE 4

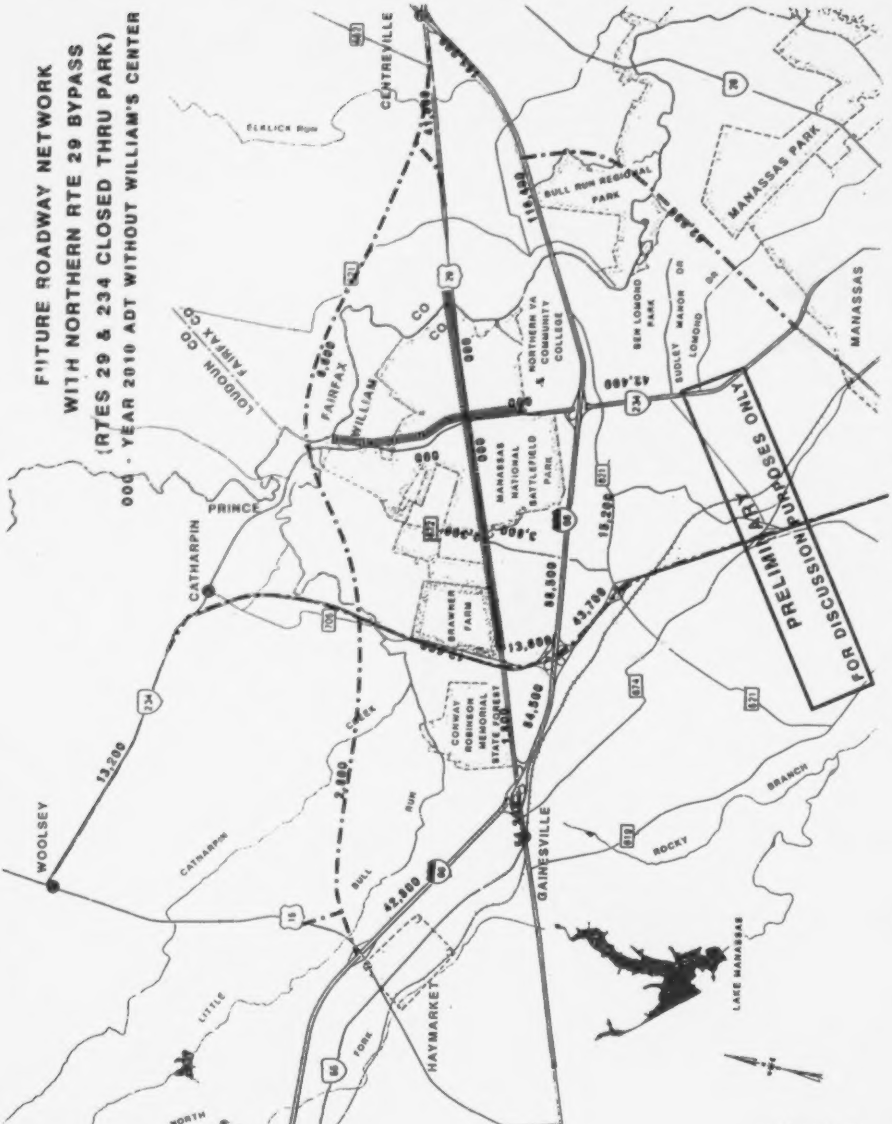


FUTURE ROADWAY NETWORK
(RTES 29 & 234 CLOSED THRU PARK)

000 - YEAR 2010 ADT
WITH WILLIAM'S CENTER

FIGURE 5

PRELIMINARY
FOR DISCUSSION PURPOSES ONLY
CENTREVILLE
ELKLICK RUN
BULL RUN REGIONAL PARK
MANASSAS PARK
MANASSAS
BEN LOMOND PARK
SUDLEY MANOR DR
LOMOND DR
NORTHERN VA COMMUNITY COLLEGE
MANASSAS NATIONAL BATTLEFIELD PARK
BRAWNER FARM
CONWAY ROBINSON MEMORIAL STATE FOREST
LOUDOUN CO
FAIRFAX CO
FAIRFAX CO
PRINCE WILLIAM CO
CATHARPIN
WOOLSEY
GAINESVILLE
HAYMARKET
LAKE MANASSAS
CATHARPIN
BULL RUN
CREEK
LITTLE
NORTH FORK
ROCKY BRANCH
29
234
66
15
55
705
621
622
659
674
619
28
000
35,128
34,500
128,300
54,500
18,700
32,400
109,800
49,500
46,100
13,400
12,600
92,400
48,400



FUTURE ROADWAY NETWORK
WITH NORTHERN RTE 29 BYPASS
(RTES 29 & 234 CLOSED THRU PARK)
000 - YEAR 2010 ADT WITHOUT WILLIAM'S CENTER

CENTREVILLE
ELKLICK RUN
BULL RUN REGIONAL PARK
MANASSAS PARK
116,400
41,700
29
621
LOUDOUN CO
FAIRFAX CO
FAIRFAX CO
PRINCE WILLIAM CO
5,800
000
NORTHERN VA COMMUNITY COLLEGE
BEN LOMOND PARK
SUDLEY MANOR DR
LOMOND DR
MANASSAS
43,400
234
MANASSAS NATIONAL BATTLEFIELD PARK
PRINCE
CATHARPIN
3,000
66
15,200
55,300
43,700
705
BRAWNER FARM
13,600
PRELIMINARY
FOR DISCUSSION PURPOSES ONLY
CONWAY ROBINSON MEMORIAL STATE FOREST
84,500
674
621
13,200
234
WOOLSEY
CATHARPIN CREEK
BULL RUN
2,800
GAINESVILLE
619
ROCKY BRANCH
15
42,800
LAKE MANASSAS
HAYMARKET
LITTLE
NORTH FORK
NORTH

FIGURE 6

Senator **Bumpers**. Thank you. Ms. Seefeldt? Ms. Seefeldt, please bring the mike as close to you as you possibly can. The sound system has been lousy ever since I have been here, and that has been 14 years.

STATEMENT OF KATHLEEN K. SEEFELDT, CHAIRMAN, PRINCE WILLIAM BOARD OF COUNTY SUPERVISORS, PRINCE WILLIAM COUNTY, VA

Ms. **Seefeldt**. Mr. Chairman and Members of the Committee, and Senator Trible, I am very pleased to have the opportunity to be with you today.

My name is Kathleen Seefeldt. I am Chairman of the Prince William County Board of Supervisors. Mr. Chairman, we have prepared and submitted a statement for the record, which I would like to request be made a part of the record.

Senator **Bumpers**. It will be admitted.

Ms. **Seefeldt**. And that submission contains a number of attachments as well, a number of endorsements from national organizations, which I would like to point out.

The National Association of Counties has endorsed the County's position, as well as the National League of Cities, Virginia Municipal League, the National Farm Bureau, all organizations essentially recognizing this as an ultimate local issue or states' rights issue. And they feel that the County's actions have been responsible and within the guidelines of our parameters.

Prince William County is 25 miles from the nation's capital, Mr. Chairman. We are rapidly growing. We currently have about 210,000 people. We are growing at the rate of 14,000 people a year.

We are currently educating 40,000 children. We are adding about 1,000 students a year to that group. As classes began this week, we housed 2,700 of those 40,000 children in trailers. We are way behind on providing normal classroom space for our students.

It is projected that we will grow to a population of 310,000 by the year 2000. It is an explosion of growth in Prince William County that has been unfolding for several decades, but certainly accelerating in the last few years. And that growth brings obvious challenges to a local government.

In addition to our schoolchildren and education needs, I should add that we have 15,000 latchkey children in the County with no after-school programs at this time.

We have an aging population, we have a need for more housing for our senior citizens, for our poor. We have indigent medical patients, elderly patients. We have AIDS patients. We have the whole panoply of basic municipal services which must be delivered.

We have a half a billion dollars of unfunded road transportation needs. The traffic accidents increase every day. The fatalities mount every day. We are a local government under considerable fiscal stress, Mr. Chairman.

We feel, however, that historically we have acted responsibly and pro-actively to preserve the many historical sites in our County. We have a rich history in Prince William County. It goes back to Colonial days, and obviously of course a lot of activity during the Civil War.

As recently as about a year ago we discovered for the first time that in a landfill site search, that in the area of Bristow Station, where there was a Civil War battle not far from this site, just southwest of it, a mile or so, there is a mass grave of 1,200 bodies.

We immediately, of course, dropped that site from our landfill search and asked for it to be placed on the National Register of Historic Places.

We have Civil War placements all along the Potomac River. Batteries were very vital during the Civil War. Everywhere we look in Prince William County we have a rich history, and we are very mindful of it, we are very sensitive to the need to manage our growth and balance the preservation of the past and provide the needed services for our citizens. It is a balancing act that we are facing, and we feel we are doing it responsibly.

Mr. Chairman, it seems to us that the three outstanding issues here for this body can be resolved. They obviously are, number one, what is the boundary of this park going to be? In 1980, the Congress told us what it was, and we have made our plans accordingly and responsibly.

The second issue, transportation. We have heard a lot about that here this afternoon. Questions such as, where is the money going to come from for this 234 bypass? And if I could have this map back up on the tripod it might be helpful.

The dotted line that I hope you can see represents the 234 bypass, with an interchange at I-66. This road has been the County's top road priority since 1974. The William Center, which is adjacent to it, encompasses about 542 acres.

The William Center, the mall itself, Mr. Chairman, would absorb about 20 percent of that acreage. We agree with others who have spoken that there are the elements of a compromise out there for relocating the mall to a point where it would be invisible from the park.

That is according to the National Park Service computer graphics analysis. The potential relocation of that mall would place it a half a mile from the park and invisible.

We need help with our transportation problems. The park needs help to direct traffic out of the park, out of those roads which were there when the battles were fought and are now the main source of travel for thousands of cars each day.

We feel very strongly, Mr. Chairman, that the William Center can be developed in a compatible manner with the park. In the 1986 rezoning, the County imposed height limitations of 45 feet, buffer requirements of 50 to 100 foot undisturbed buffer on the state road peripheries of the William Center tract.

I have to at this point be careful to mention that earlier today Senator Warner is suggesting a compromise that would peg development on the residual from the taking to an illustrative plan submitted by the developer, dated April 1986.

Please understand, Mr. Chairman, that plan was never approved by the County. A lot of plans began to unfold in the spring and summer of 1986. The Board of Supervisors did not approve this rezoning until November of 1986. And at that point we had negotiated and reduced the number of residential units from over 900 to 560.

The plan referenced by Senator Warner goes back to a much earlier version that had been first shown to various groups in the County. It was the starting point for discussions, but at that level of housing units was absolutely not acceptable to the County or to the community.

The average housing unit in Prince William County generates a tax revenue that accounts for about 60 percent of the services that that unit will consume. So we are not interested in unnecessarily increasing our housing stock. That is an absolute negative tax posture.

I mention that as a footnote really to point out to you the level of minutiae and detail that the Congress is going to have to engage in if you are indeed going to pursue this as a local zoning at the Federal level.

Now, what is the benefit of the William Center to Prince William County's residents? It is enormous. Let us keep in mind that we feel that this project can develop and be compatible in terms of vista protections, height limitations and buffers. It will be important to relocate the mall.

The project will generate as a whole over 8,000 jobs. Over a period of 20 years it will generate $260 million in tax revenues to the County.

Currently, Mr. Chairman, the Federal Government already owns 20 percent of Prince William County. For that, we receive $20,000 a year in lieu of taxes. At buildout, this project will be generating annually about $23 million a year in taxes to Prince William County.

Juxtapose that with what we will get as payment in lieu of taxes at the rate of 75 cents an acre. I think that computes out to about an additional $400 a year to meet the basic needs that our people expect and deserve.

One other comment before I close, Mr. Chairman. Two, really. It was suggested in testimony earlier today that as we speak the bulldozers are out there and the mall is under construction.

That is not the case. There is infrastructure construction going on. The residential portion of the project is under way, with model homes that are close to completion. But the mall is not currently under construction.

I appreciate, Mr. Chairman, the fact that you have taken the time to personally go out to Prince William County and look at this situation. But for the record, I would like to urge that all the Members of the Committee, either individually or as a subcommittee, visit the park. And please visit the William Center site itself.

It is very important to remember that the park today is heavily forested and accessible for the most part only by trails. Unfortunately, many of the solemn memorials and interpretative areas are visible from Route 29 and Route 234.

It is disconcerting and it is disheartening, and it is difficult to commemorate, for example, the New York Infantry and that monument location when the gravel trucks are rumbling by or traffic is snarled and car radios are blaring. It is not a good situation.

If the Congress is serious about protecting the park and not simply appeasing a single interest group, you will authorize funds to build a bypass around the park or help us in the Commonwealth accelerate this bypass, and consider the relocation of Route 29.

I would like to close by pointing out that you can spend $50 to $100 million to acquire land that General Lee used for his headquarters for one day. You may spend somewhat less than that to acquire a portion of the William Center.

But next year, gentlemen, I predict that another interest group will be here and focused on Stony Ridge, which is on the other side of the Brawner tract, or it will focus on encampments that we know were in place south of I-66 in this vicinity. And the traffic will still remain in the park, slowly strangling our heritage.

Why not look at this park in its totality, give us a clear boundary for the entire park, tell us which areas outside those boundaries are historically significant? We will cooperate.

We can use historic overlay districts to protect those resources. We have to know what the Federal determination is going to be, so that we can act accordingly.

Work please with the Commonwealth and the County to address the issue that is choking us all, traffic. We need park management here, not election year solutions. Most of all, think of the taxpayers and residents of Prince William County.

Every acre of land that you add to the current park takes away from our children, our police officers, our firemen and our less fortunate residents.

Historic preservation cannot exist in a vacuum. We are mindful of our heritage in Prince William County, yet all of us have equal responsibility to educate our young, protect our citizens, and care for our people.

Mr. Chairman and Members of the Committee, we urge you to reject H.R. 4526. It is an unnecessary and unwise Federal intervention. Instead, Mr. Chairman, we recommend most strongly cooperation, not confiscation.

I would be glad to answer any questions, and thank you for your time.

[The prepared statement of Ms. Seefeldt follows:]

Presentation of
Prince William County
to
Senate Public Lands Subcommittee
September 8, 1988

Mr. Chairman and members of the subcommittee, thank you for the opportunity to be with you today. My name is Kathleen Seefeldt and I am the Chairman of the Prince William Board of County Supervisors. We are a rapidly growing community of approximately 213,000 residents, located 25 miles from our nation's capital. We are challenged by severe residential growth pressures and a corresponding need to build roads, provide schools for 40,000 children, protect lives and property, and provide a full range of municipal services, including mental health services, homes for the elderly, and other burgeoning social needs.

These responsibilities are made all the more challenging by the approximately 14,000 new residents who come to live in Prince William County each year. By the year 2000, we anticipate that the County population will grow to 317,000.

In the face of this staggering growth, HR 4526 asks us to surrender our ability to pay for basic public services by seizing land that has been designated for economic development since 1974. Over 2,700 of our 40,000 school children are housed in trailers. We have many working poor living in parks because they cannot afford the cost of housing, and our homeless shelters can only accommodate 25 percent of this homeless population. We have 15,000 "latchkey" children in the County and no after school programs. We have half a billion dollars in unfunded road needs, while fatalities mount and traffic increases on a daily basis. We have medically indigent elderly people. We have AIDS patients.

These are largely and increasingly local responsibilities. There are no magic sources of state or federal funds to address these new needs, much less the basic police, fire, education, and other human service needs of the County.

While I recognize that your chief concern today is the possible expansion of the Manassas National Battlefield Park, I want each of you to understand that every acre of land you add to the Park takes away from our school children, our police officers and firefighters, and our less fortunate residents.

We oppose HR 4526 and believe that other, less costly measures are available to you. I believe that a careful examination of the 1980 Senate hearings, as well as a visit to the Park, will convince you of this.

The Prince William Board of County Supervisors believes that an accommodation of all three essential interests involved in this issue can be reached. These interests are:

- First, drawing some reasonable boundary around the Park so that we may know, "once and for all", where the nineteenth century ends and where the twenty-first century begins in Prince William County. We had thought that Senator Warner's 1980 Park expansion bill did precisely that.

- Second, providing the necessary transportation improvements to serve our rapidly growing population and to direct traffic out of the National Park itself.

- Third, preserving and enhancing the historical integrity of the Manassas National Battlefield Park.

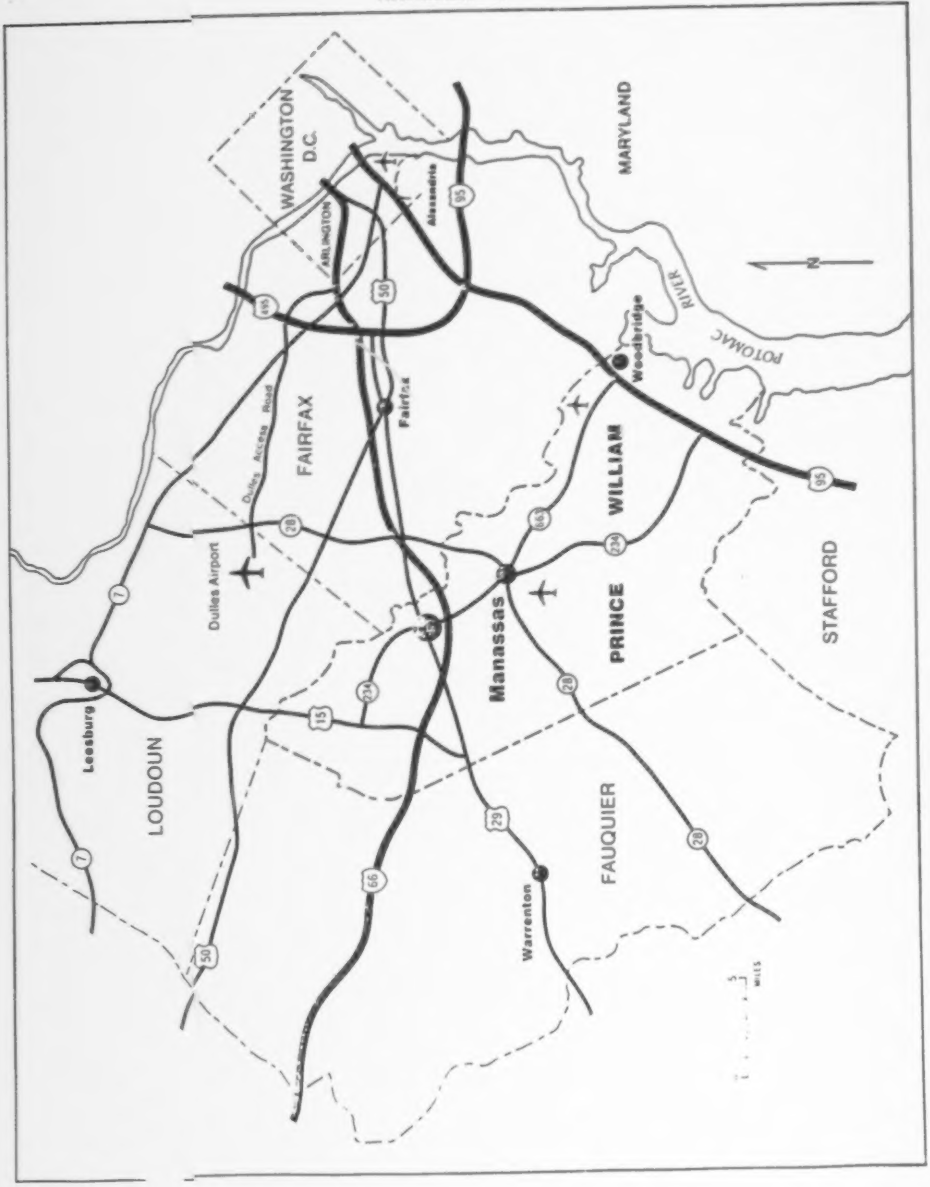
Location of the William Center

Before entering into the substance of this discussion, I'd like to illustrate the location of the William Center project. Attachment A shows Prince William County in relation to the Washington metropolitan area. Attachment B shows the boundaries of the Manassas National Battlefield Park and highlights the William Center Tract.

The William Center tract is approximately 542 acres compared with the approximately 4500 acres (or over 7 square miles) within the National Park boundaries. The William Center tract is privately-owned land separated from the Park by Route 29 and Route 622. It is neither surrounded by, nor a part of, the National Park. And the project which appears to have generated the most controversy -- the construction of a regional mall -- is approximately one half mile from the Park.

The regional mall will absorb only 20 percent of the total William Center site. The National Park Service has performed a sophisticated computer graphic study of the proposed mall and determined that it will be invisible from the Park. I believe an actual visit to this site, individually or as a subcommittee, will show you that the

ATTACHMENT A


WASHINGTON
D.C.
MARYLAND
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Alexandria
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FAIRFAX
Fairfax
Dulles Access Road
Woodbridge
POTOMAC
RIVER
N
PRINCE
WILLIAM
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28
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234
Dulles Airport
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Leesburg
LOUDOUN
15
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Manassas
STAFFORD
FAUQUIER
29
Warrenton
28
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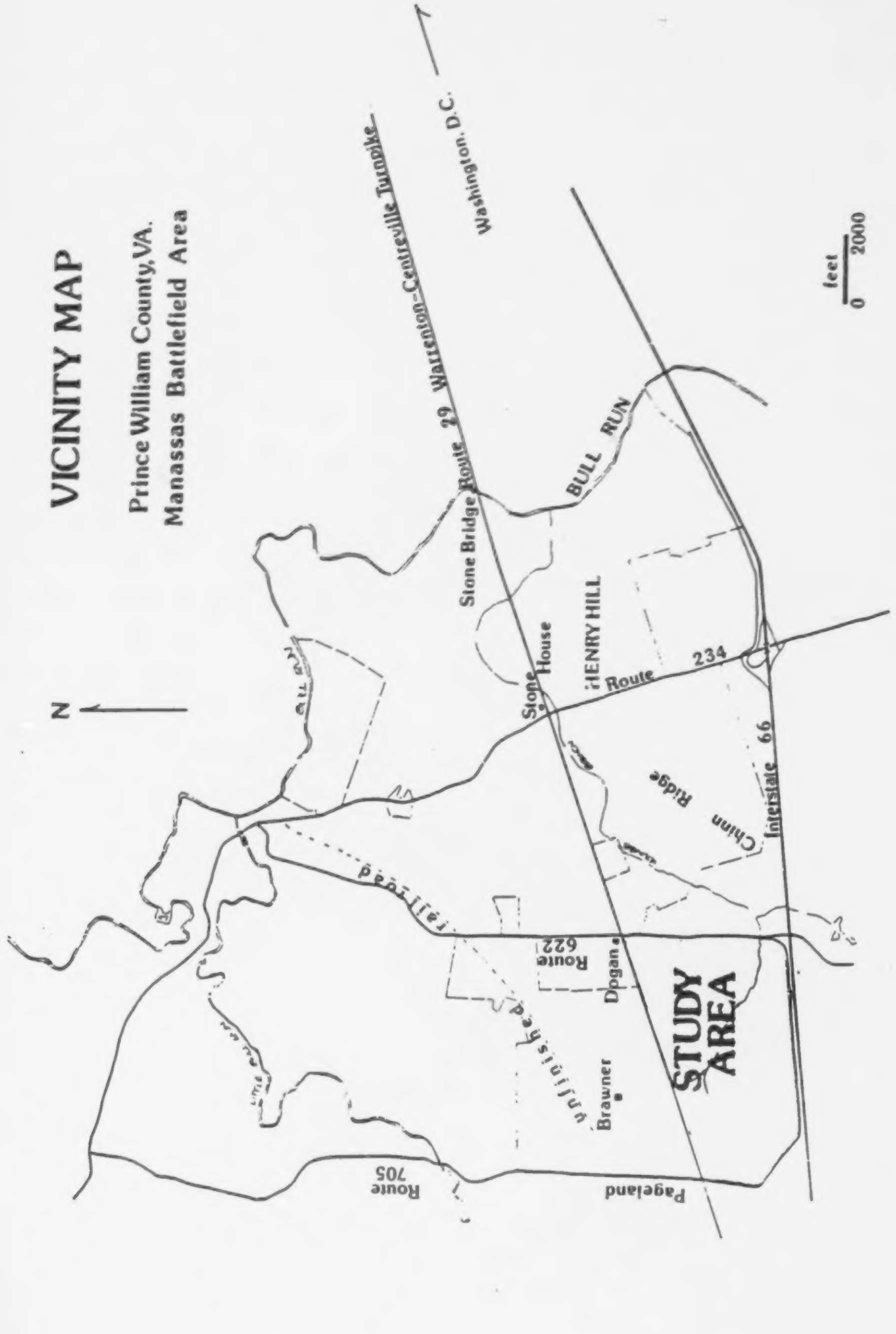
MILES

ATTACHMENT B



VICINITY MAP

Prince William County, VA.
Manassas Battlefield Area

Washington, D.C.
Warrenton-Centreville Turnpike
Stone Bridge Route 29
BULL RUN
N
feet
0
2000
HENRY HILL
Stone House
Route 234
Chinn Ridge
Interstate 66
railroad
Route 622
Dogan
STUDY AREA
unfinished
Brawner
Route 705
Pageland

William Center is highly compatible with the Manassas National Battlefield Park.

The Future of Prince William County

The federal government owns approximately 20 percent of Prince William County, including the Quantico Marine Base and National Cemetery, Prince William Forest Park, the Marumsco National Wildlife Sanctuary, and others. While these federal institutions are clearly beneficial to the County, they impose service costs that are not recouped through property taxes or federal impact aid. The Federal government pays only $20,000 annually in lieu of taxes, or approximately 75 cents per acre.

You should also be aware that the average County household pays through taxes for only 60 percent of the services it consumes. Business and consumption taxes must make up the difference. Yet we have one of the highest real estate tax rates in Virginia.

For these reasons, Prince William County must aggressively seek quality economic development to bring jobs closer to where people live, and to support our schools, roads, and other public services. The William Center site has been targeted for quality economic development in the County Comprehensive Plan since 1974. Its development has been the subject of open public discussion many times since 1974.

The William Center project IS quality economic development. If HR 4526 is enacted, it will mean the loss of approximately 8,500 jobs in the County. If HR 4526 is enacted, the County will suffer real and substantial financial losses:

- Approximately $10 million in contractual obligations from the developer, including a recreation center, water and sewer improvements, road improvements, rights-of-way, and land for a fire station and commuter parking lot.

- $260 million in total tax revenues over the next twenty years.

- Please note that the mall alone will generate $147 million in total revenues over the next 20 years. The net revenues of the mall alone, after subtracting the cost of providing services, are $87 million.

Given our current annual budget of approximately $210 million, this is a substantial loss of jobs and tax revenues. While the landowner will receive fair compensation for this taking, the taxpayers of Prince William County will not be compensated. Those jobs and tax revenues will be lost forever.

Necessary Transportation Improvements

We agree with the National Park Service that the single greatest threat to the historical integrity of the Park is the extremely heavy traffic that flows through the heart of the Park on Routes 29 and 234. Since 1974, the County has planned for the construction of the Route 234 Bypass, which will take much of the traffic out of the Park and improve our overburdened road system in this area.

Again, I ask you to visit this Park to understand this point. Most of the Park is heavily forested and accessible only by trails. Unfortunately, many of the solemn memorials and interpretive areas are visible from or within earshot of Routes 29 and 234. It is difficult to commemorate the New York Infantry when traffic is snarled and car radios are blaring.

If you are serious about protecting the Manassas National Battlefield Park, and not simply appeasing a single interest group, then you will authorize funds to build a bypass around this park and consider the relocation of Route 29. Confronting this transportation issue directly would be prudent park management.

On this point, the County, the Department of the Interior, and the National Park Service have strong mutual interests. Should federal matching funds become available, we will aggressively seek state and local matches.

Preserving Our Past

Prince William was the site of numerous Civil War battles and placements. As local officials, we take seriously our responsibility to protect these and other national treasures. For example, imagine discovering that one of our potential landfill sites was also part of the Bristow Battlefield and a mass grave for over 1200 soldiers. The County Government immediately withdrew that site from consideration and submitted it for inclusion in the National Register for Historic Places. Prince William County has acted, and will continue to act, responsibly and proactively in the preservation of significant historic sites such as these.

In 1980, we felt that Congress had spoken clearly on the historical significance of the William Center tract by excluding it from the 1980 Park expansion. Congress agreed with the County that the site was not one which should be preserved and thereby ratified our longstanding plans to develop it for commercial and industrial purposes.

When rezoning the William Center property in 1986, the County insisted on a variety of measures to protect the historical integrity of the Manassas National Battlefield Park. This rezoning decision was the result of several months of public hearings and negotiations with the developer. The approved rezoning included density restrictions, 45 foot height limitations, and fifty and one hundred foot buffers between the Park and the William Center with additional buffering to be worked out later as necessary. Every one of these protections is still in place today as the property develops. Prince William County has acted responsibly, openly, and proactively to ensure that the William Center is compatible with and complements the Manassas National Battlefield Park.

A Solution

You may spend $50-100 million to acquire land that General Lee used for his headquarters for one day. You may spend somewhat less to acquire a portion of the William Center tract. But next year another group will focus on Stony Ridge or the Confederate encampments to the south of I-66. And the traffic will still remain in the Park, slowly strangling our heritage.

Why not look at this Park in its totality. Give us a clear boundary line for the entire Park. Tell us which areas outside those boundaries are significant. We can use historic overlay districts to protect those resources. Work with the Commonwealth and the County to address the issue that is choking us all -- traffic. We need Park management here, not election year solutions.

Most of all, think of the taxpayers and residents of Prince William County. Historic preservation cannot exist in a vacuum. We ARE mindful of our heritage. Yet all of us have equal responsibility to educate our young, protect our citizens, and care for our less fortunate.

We urge you to reject HR 4526. It is an unnecessary and unwise federal intervention.

Appendix A – Chronology of William Center Tract

1974 - Tract designated for nonresidential uses in the Comprehensive Plan.

1974 - Comprehensive Plan amended to include conceptual design of Route 234 Bypass and the Regional Industrial Complex along I-66 and Route 234 Bypass.

1980 - Route 234 Bypass Corridor Plan approved, including interchange with I-66.

1980 - Tract excluded from Congressional expansion of Manassas National Battlefield Park.

1981 - Environmental Impact Statement completed for Route 234 Bypass.

1982 - Marriott Corporation offers tract to National Park Service. Department of Interior declines sale or trade.

1986 - Hazel/Peterson acquires tract.

1986 - Prince William Board of County Supervisors approve rezoning from Agricultural to Planned Mixed Use District (2.9 million square feet of nonresidential uses with 100 foot buffers; 560 single family homes with 50 foot buffers.

1988 - Hazel/Peterson announce plans for regional mall. (1.2 million square feet).

Appendix B

Statements in Support of Prince William County

National
League
of
Cities

1301 Pennsylvania Avenue NW
Washington, D.C.
20004
(202) 626-3000
Fax: (202) 626-3043

Officers

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Pamela P. Plumb
Councilor, Portland, Maine

First Vice President
Terry Goddard
Mayor, Phoenix, Arizona

Second Vice President
Bob Bolen
Mayor, Ft. Worth, Texas

Immediate Past President
Cathy Reynolds
Councilwoman-at-Large,
Denver, Colorado

Executive Director
Alan Beals

August 16, 1988

The Honorable J. Bennett Johnston
Chairman
Senate Committee on Energy and Natural Resources
364 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing on behalf of the elected officials of the nation's cities and towns to urge your committee to reject the House-passed legislation, HR 4526, to purchase more than 500 acres to add to the Manassas National Battlefield Park. We oppose this federal legislation both as an unwarranted interference with the land use and zoning rights and responsibilities of Prince William County, Virginia, and because of the adverse impact of such a purchase on local taxpayers.

To begin with, we are concerned about federal actions which would interfere with a process begun more than a decade ago to determine the shape and destiny of a local government. The county has been involved in making decisions on the future of the tract of property in question for nearly two decades. During that time, it has held numerous hearings in order to ensure maximum input not only from its own taxpayers and citizens, but also from outside individuals and organizations.

Not only did the county proceed over a course of more than 15 years to seek maximum input in developing its plans, but it also kept apprised of federal interests and concerns - both those of the Congress and the Executive. In fact, the county's rezoning was approved by the National Park Service, and, despite numerous bills introduced in Congress and major legislation on the battlefield enacted in 1980 - no major piece of legislation proposed or adopted prior to this year would have affected the tract in question.

We are concerned that after following the rules for nearly two decades, the House bill abruptly proposes to change those rules. The House bill would set new rules after an expenditure of countless hours and taxpayer dollars - and without any warning.

Past Presidents: **Tom Bradley**, Mayor, Los Angeles, California • **Henry G. Cisneros**, Mayor, San Antonio, Texas • **Ferd L. Harrison**, Mayor, Scotland Neck, North Carolina • **William H. Hudnut, III**, Mayor, Indianapolis, Indiana • **George Latimer**, Mayor, St. Paul, Minnesota • **Henry W. Maier**, Mayor, Milwaukee, Wisconsin • **Jessie M. Rattley**, Mayor, Newport News, Virginia • **John Rousakis**, Mayor, Savannah, Georgia • **Charles Royer**, Mayor, Seattle, Washington • **George V. Voinovich**, Mayor, Cleveland, Ohio • *Directors:* **Gary Anderson**, Mayor, Decatur, Illinois • **Sidney J. Barthelemy**, Mayor, New Orleans, Louisiana • **Marjorie A. Boon**, Mayor, Grand Haven, Michigan • **John E. Bourne, Jr.**, Mayor, North Charleston, South Carolina • **Jon C. Burrell**, Executive Director, Maryland Municipal League • **Hal Conklin**, Councilmember, Santa Barbara, California • **Mary Davis**, Councilmember, Atlanta, Georgia • **Ed Eilert**, Mayor, Overland Park, Kansas • **Edward C. Farrell**, Executive Director, New York Conference of Mayors • **Robert Farrell**, Councilmember, Los Angeles, California • **Jan Furner**, Executive Director, Utah League of Cities & Towns • **E. Arthur Gray**, Mayor, Port Jervis, New York • **Glenda E. Hood**, Mayor Pro Tem, Orlando, Florida • **Karen Humphrey**, Councilmember, Fresno, California • **Robert E. Johnson**, Executive Director, North Dakota League of Cities • **Joseph A. Leafe**, Mayor, Norfolk, Virginia • **Charles Lyons**, Chairman, Board of Selectmen, Arlington, Massachusetts • **Melissa Mershon**, Alderman, Louisville, Kentucky • **Bob Overstreet**, Councilmember, Everett, Washington • **Grace Petersen**, Mayor, Pierre, South Dakota • **Dana G. Rinehart**, Mayor, Columbus, Ohio • **John H. Rodriguez**, Councilman, Yuma, Arizona • **Perry Roquemore**, Executive Director, Alabama League of Municipalities • **Steven C. Roberts**, Alderman, St. Louis, Missouri • **James Scheibel**, Councilmember, St. Paul, Minnesota • **Florence Shapiro**, Councilwoman, Plano, Texas • **Dolores Sibonga**, Councilmember, Seattle, Washington • **Joseph A. Sweat**, Executive Director, Tennessee Municipal League • **E. B. Turner**, Mayor Pro Tem, Lumberton, North Carolina • **James Weatherby**, Executive Director, Association of Idaho Cities

Secondly, we are opposed to the proposed legislation because of the impact on the budget, tax rates, and economic impact on the future of Prince William County. The county has devoted years to making this site a focus for housing and economic development, and an anchor tax base for its future. The area is a focal point for the creation of some 8500 new jobs and a critical factor in providing a revenue base to fund basic public services.

Removing this site from the county's property tax rolls will force the elected officials to impose higher taxes on all other residential and commercial taxpayers to provide the same level of services. Already, because some 20% of the county is owned by the federal government, taxpayers bear a disproportionate burden. For the federal government to purchase the site, it would mean the developer would be held harmless, but the county and its citizens would be left with a further erosion of their revenue base - a base deemed central by their elected officials towards meeting future needs.

Our members believe that decisions about the land use planning and zoning ought to be made by those elected and appointed officials chosen for that responsibility. They are in the best position to represent the people and to weigh the competing interests.

In this instance, we are concerned about a potential lack of balance intruding after the fact and, certainly, creating concerns about any future land use decisions. While consideration has been given to making whole the developer, no consideration has been given to making whole the county, its citizens, or its taxpayers.

While we venture no opinion with regard to the preservation issue in question, we do feel strongly about our responsibilities to the citizens who elect us and to the rules under which we govern. We very much hope that will be an important factor in your consideration of this issue.

Sincerely,

Alan Beals

Alan Beals
Executive Director

PUBLIC LANDS STEERING COMMITTEE
RESOLUTIONS ON
MANASSAS BATTLEFIELD

WHEREAS, the National Association of Counties supports the principles of home rule, fiscal autonomy for local governments, and fiscal responsibility at the federal level; and

WHEREAS, Prince William Counties committed to the historical integrity of the existing Manassas National Battlefield Park; and

WHEREAS, legislation has been submitted to Congress proposing an expansion of the Manassas National Battlefield Park in Prince William County, Virginia; and

WHEREAS, this park expansion would cost an estimated $50 to $100 million, an amount well in excess of the total federal parkland acquisition budget in FY 1988; and

WHEREAS, this land is privately-owned and has been designated for nonresidential uses in the Prince Willian County Comprehensive Plan since 1974 and was validly rezoned for mixed uses in 1986; and

WHEREAS, this rezoning considered and addressed possible impacts of the development of the property on the Manassas National Battlefield Park; and

WHEREAS, Congress specifically excluded this land from a 1980 park expansion, with the explicit understanding that it was designated for economic development purposes; and

WHEREAS, the federal government already owns 20 percent of the land in Prince William County yet pays only $20,000 annually in lieu of taxes (approximately 75 cents per acre); and

WHEREAS, the federal ownership of this land would result in a total revenue loss to the County of $260 million over the next twenty years; and

WHEREAS, federal acquisition of this land would violate the integrity of long-standing local land use decisions would severely harm the local tax base and would represent both an unwise federal expenditure and an unfortunate precedent for parkland acquisition;

THEREFORE, BE IT RESOLVED, that the National Association of Counties opposes an expansion of Manassas National Battlefield Park and supports an agreement among the Park Service, the County, and the landowner.

Adopted by Public Lands Steering Committee (unanimous)
August 6, 1988

Virginia Farm Bureau Federation

200 WEST GRACE STREET P. O. BOX 27552 RICHMOND, VIRGINIA 23261 804-788-1234

September 1, 1988

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands
Dirksen Building
1st & C Street, North East
Washington, D.C. 20510

Dear Senator Bumpers:

It is my understanding that the Public Lands Subcommittee, which you chair, will consider the proposed Manassas Battlefield Park expansion early this month. On behalf of the 35,000 producer members of the Virginia Farm Bureau Federation, I would like to comment on this proposal for the hearing record on the Manassas Battlefield Park.

As you may know, both the Virginia Farm Bureau and the American Farm Bureau have a longstanding opposition to the acquisition of additional lands by the federal government. The tremendous federal budget deficits need not be fueled by the federal land acquisition fever that has already turned many western states into real estate tax deserts for localities. Farm Bureau holds firm to their belief that across the board spending cuts are necessary to tame the budget process. Against this backdrop, the acquisition of a $50-$100 million dollar parcel over which the true historical significance is the subject of much debate should be highly suspect.

The Congress and the National Park Service has had several previous opportunities to acquire this property. The 1980 expansion of the Manassas National Battlefield Park specifically excluded the tract currently under siege. In 1982 the tract was offered to the National Park Service in a trade for land in California. Again, based in great part on the conclusion that the site which is nearly one half mile from the park boundary was not needed to expand or protect the existing park. Based in part on this decision, Prince William County planned development in the area that based on environmental studies was consistent with operation of the park. Nothing has changed to void these conclusions which were based on a complete study of this issue. It is important to allow Prince William County to continue to develop economic opportunities in this area and not have the county be whipsawed at the whim of Congress.

Thank you for considering the comments of the Virginia Farm Bureau. I hope your committee will help stop needless federal spending on this land acquisition and return control over local decisions to the localities.

Sincerely,

Robert B. Delano
President

RBD/dce

cc: Senator John Warner
Senator Paul Trible

VML

VIRGINIA
MUNICIPAL
LEAGUE

Local Governments
Working Together
Since 1905

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William R. Hartz
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EXECUTIVE DIRECTOR
R. Michael Amyx

Magazine
VIRGINIA TOWN
& CITY

Thirteen East Franklin,
P.O. Box 12203
Richmond, Virginia 23241
804 649-8471

August 15, 1988

Ms. Kathleen Seefeldt
Chairman, County Board of Supervisors
Prince William County
1 County Complex Court
Prince William, Virginia 22192-9210

Dear Kathleen:

On August 11, 1988, Prince William County requested that the VML's Effective Government Policy committee adopt a statement in support of Prince William County's efforts with Congress on the topic of the William Center. As a result of this request, the Effective Government Policy committee adopted the following statement:

"Neither the Federal government nor the State government should use legislative taking as a way of overturning local government land use decisions. The Federal and State governments should not use funding of projects as a means of forcing local land use decisions in contravention of local land use plans. These actions violate the principles of local home rule, and weaken the local tax base."

I understand that you will be trying to gather support from other municipal leagues and associations of counties for your efforts in the Senate. Please let me know if I can be of any help in your efforts.

Good luck in the Senate.

Sincerely,

R. Michael Amyx
Executive Director

United States Department of the Interior

TAKE PRIDE IN AMERICA

NATIONAL PARK SERVICE
P.O. BOX 37127
WASHINGTON, D.C. 20013-7127

IN REPLY REFER TO:

July 12, 1988

Honorable John W. Warner
United States Senate
Washington, D.C. 20510 6025

Dear Senator Warner:

Throughout the summer, Congress has been grappling with several legislative initiatives to protect Manassas National Battlefield Park. We deeply appreciate the interest expressed by both the House and the Senate in preserving the historical integrity of this world renowned unit of the National Park System.

Over the years, we have come to realize that the primary threat to the Battlefield is the burgeoning traffic congestion on Routes 29 and 234 which crisscross the park. We are extremely concerned about this trend.

Current discussions of the proposed shopping mall adjacent to the park boundary offer a rare opportunity to influence the nature of growth along the park boundary and remove the through traffic from the park. Furthermore, such a solution can be forged through tough, fairminded negotiation that respects the rights and interests of all parties, and minimizes the cost to the Government.

On April 28, 1988, Secretary Hodel and I announced a proposed resolution to protect fully the historic integrity of Manassas National Battlefield Park. In this resolution, we suggested the following:

> relocate the proposed mall to a lower elevation to eliminate visual intrusion;
>
> create an overlook/interpretive area to be run by the National Park Service on the site of Lee's headquarters;
>
> obtain NPS management of Routes 29 and 234 within the park in order to permit the National Park Service to return the roads to their condition at the time of the Civil War;
>
> continue to support the development of the 234 bypass and interchange;
>
> support an immediate effort to reduce through truck traffic within the park; and,

develop an understanding with the county for a consultation process on land use adjacent to the park.

The need to assure the preservation and integrity of the Manassas National Battlefield Park dictates that the most prudent course of action is to reduce, and eventually eliminate, the daily traffic through the park. Our proposed resolution incorporates this objective as a key requirement. It also addresses my concern over the building of the mall by requiring its relocation within the Williams Center parcel to render it invisible from the park.

A legislative taking of the Williams Center parcel is not the answer. Not only is the cost high (estimated at $70 million), but it also will not solve the real problem. The proposed mall could simply move down the road, and either impose a further traffic burden on the park or require that additional land be purchased.

In addition, proposals to prevent the construction of the 234 bypass would only undermine our efforts to get commuter traffic off park roads, regardless of whether or not a mall is built.

Given the drawbacks of the current legislative initiatives, we believe a negotiated resolution provides the best chance for a permanent solution.

With the oversight and support of Congress, we believe our proposed resolution can ensure protection of this premier Civil War landmark. By acting wisely together, we also can develop a blueprint for solving problems in other units of the National Park System.

Sincerely,

William Penn Mott, Jr.
Director

The Greater Washington Board of Trade

Linking Business and Community in The District of Columbia, Northern Virginia and Suburban Maryland

July 28, 1988

The Honorable Glenn M. Anderson
Chairman
House Committee on Public Works and Transportation
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Anderson:

The purpose of this letter is to express The Greater Washington Board of Trade's concern about legislation pending in your Committee, H.R. 4526 "Manassas National Battlefield Park Amendments of 1988". We are concerned about this legislation from two points of view: (1) the highway elements should be addressed with careful regard for regional transportation needs; (2) the federal intervention in what is normally a local matter, i.e., land use planning and zoning.

By way of background, our organization, The Greater Washington Board of Trade, is a regional chamber of commerce representing businesses employing over two-thirds of the Washington area's private sector work force. Transportation is a major focus of the Board of Trade and has been throughout its nearly 100 year history. In 1984 our board of directors adopted Transportation Policies: A Regional Agenda. A copy of the Agenda is enclosed for your review.

H.R. 4526 currently calls for the Secretary of the Interior to "conduct a study regarding relocation of highways" including an "assessment of the available alternatives". We have been promoting the proposed Virginia Route 234-Manassas Bypass for many years. In 1987, The Board of Trade worked with the Virginia General Assembly for passage of enabling legislation to create a "Special Taxing District" to provide the local portion of construction costs. This road should be included in any analysis of abandoning routes within the Manassas National Battlefield Park.

The Manassas Bypass was placed on the Long Range Transportation Plan by the Metropolitan Washington Council of Governments in 1973. The Prince William County Transportation Plan, updated in 1986, lists the Route 234-Manassas Bypass from Route 29/211 to Route 234 as a first priority project. The Manassas Bypass is closely linked with Prince William County's plan for economic development. Completion of the Manassas Bypass, including interchanges at Interstate-66, will facilitate commuter transportation between Prince William County and employment centers in the region.

The Greater Washington Board of Trade has worked very hard in the last few years to focus attention on the region's transportation problems and to develop regional solutions to our problems. We urge you to consider regional transportation needs and the Manassas Bypass as you work on legislation pertaining to the Manassas National Battlefield. We believe that the U.S. Department of Transportation is the appropriate lead federal agency to be responsible for the study of the highway.

The second area of concern is with regard to the whole question of federal versus local and regional interests. While we understand and appreciate the Congressional concern for the Manassas National Battlefield, we urge you to consider with equal weight the whole issue of local rights when it comes to land use planning and zoning issues. We believe that issues such as this, particularly where they relate to the transportation needs we outlined above, are best handled at the State and local levels.

We thank you for your attention to our comments and stand ready to assist in any way we could be helpful.

Sincerely,

Tom Pownall

Thomas G. Pownall
Chairman
Transportation Coordinating Committee

Enclosure

cc: The Honorable Morris K. Udall
The Honorable John Paul Hammerschmidt
The Honorable Don Young
The Honorable Helen Delich Bentley
The Honorable Beverly B. Byron
The Honorable Benjamin L. Cardin
The Honorable Norman Y. Mineta

THE SECRETARY OF THE INTERIOR
WASHINGTON

August 8, 1988

Honorable Robert M. Michel
Minority Leader
House of Representatives
Washington, D.C. 20515

Dear Mr. Michel:

On August 10, the House is scheduled to consider H.R. 4526, a bill to legislatively take land outside the Manassas National Battlefield Park.

I urge you to reject this bill for the following reasons:

- The cost is high--the value of the land has been estimated by some to approach $100 million. Our experience with legislative takings--the most extreme means of acquisition--indicates the final cost, with interest, could far exceed whatever the appraised value is determined to be.
- The bill will not solve the true threat to the park which is traffic through the park.
- It is an intrusion of the Federal Government upon local land use planning.
- The National Park Service has said the property to be acquired is of less significance than the land already in the park.
- This forced acquisition will reduce the availability of funds for other higher priority programs and violates the terms of the Bipartisan Budget Agreement.
- NPS is working with county officials, the developer and other interested parties, to develop a compromise proposal which protects the integrity of the park and attacks the real threat of traffic.

If H.R. 4526 is passed, I will have to recommend veto.

The Office of Management and Budget has advised that enactment of this legislation would not be in accord with the program of the Administration.

Sincerely,

Donald Paul Hodel

Senator BUMPERS. Thank you. Mr. Leighty, can you give me a traffic count on Highway 66 by this park today?

Mr. LEIGHTY. Forty thousand a day, sir, 40,000 vehicles a day.

Senator BUMPERS. How about Highway 29?

Mr. LEIGHTY. Highway 29 runs about 8,600 east and west.

Mr. MABRY. That is 8,600 east of 234 and about 6,800 west of 234.

Senator BUMPERS. Did you hear Congressman Andrews this morning saying we are heading for 80,000 cars a day? I assume he was talking about Highway 66.

Mr. LEIGHTY. Mr. Chairman, in the attachment three that we have we have provided you several different scenarios on the traffic counts, and we also included the year 2010 projection with and without the William Center.

Senator BUMPERS. Fine. Would you tell us what those are for the record?

Mr. LEIGHTY. Yes. Without the development of the William Center, the year 2000 traffic counts on Route 29, which is the east-west corridor through the park, would be approximately 16,000 vehicles a day.

And again, I am giving you the top count on each of the segments.

Senator BUMPERS. I want to be sure we are on the same wavelength. You are talking about, are you talking about Highway 29?

Mr. LEIGHTY. Yes, 29.

Senator BUMPERS. Without the William Center?

Mr. LEIGHTY. Without the William Center.

Senator BUMPERS. In the year 2010 it would be 16,000 cars a day, is that east and west?

Mr. LEIGHTY. West through the park will go, it goes down that 234 and then goes back up again out past the bypass.

Senator BUMPERS. That is about twice what is right now?

Mr. LEIGHTY. Roughly twice. And also on 234 it is roughly twice what we would have today, sir.

Senator BUMPERS. Okay. And what is 234?

Mr. LEIGHTY. 234 currently is running about 5,000 vehicles a day and it will go to a little over 10,000 vehicles a day.

Senator BUMPERS. How about 66?

Mr. LEIGHTY. 66 goes from about 40,000 vehicles a day to 94,000 vehicles a day.

Senator BUMPERS. To what?

Mr. LEIGHTY. 94,000.

Senator BUMPERS. By the year 2010?

Mr. LEIGHTY. Yes, sir.

Senator BUMPERS. Now——

Mr. LEIGHTY. That is west of 234. East of 234 it goes to 171,000 vehicles a day.

Senator BUMPERS. East of 234?

Mr. LEIGHTY. Yes, sir. It goes to 171,000 vehicles a day.

Senator BUMPERS. And that is without the William Center?

Mr. LEIGHTY. That is with the William Center. I am sorry, sir.

Senator BUMPERS. Well, let us stick without the William Center for the time being.

Mr. LEIGHTY. Without the William Center, it would be 161,000 vehicles a day.

Senator **Bumpers**. 161,000 by the year 2010. And with the William Center what would it be?

Mr. **Leighty**. It is 116 west of Centreville and 161 east of Centreville on 66. That is figure six of attachment three.

Senator **Bumpers**. I think we are still not communicating here, Mr. Leighty.

Let me just ask you these questions. Highway 66 east of Centreville, without the William Center.

Mr. **Leighty**. Perhaps if I got up to the map, sir.

Senator **Bumpers**. Okay.

Mr. **Leighty**. If you will describe the scenario, I will give the traffic counts and point to the locations.

Senator **Bumpers**. Okay. East of Centreville.

Mr. **Leighty**. Now, Centreville is off.

Senator **Bumpers**. I understand it is not on the map, but east of Centreville on Highway 66, the projection for—well, first of all, what is that today? Is that 116,000 or 161,000?

Mr. **Leighty**. In 1987 existing in this segment right here, from Centreville to 234, is 53,000 vehicles a day.

Senator **Bumpers**. All right. And what do you project it would be without the William Center in the year 2010?

Mr. **Leighty**. Without the William Center.

Senator **Bumpers**. I think it is 116,400.

Mr. **Leighty**. It is 116,000. Yes, sir.

Senator **Bumpers**. And with the William Center it is 161,200, is that correct?

Mr. **Leighty**. The 161,200 is east of Centreville. 116 is just west of Centreville on the same 66 segment.

Senator **Bumpers**. No, let us stick with east of Centreville on 66 without the William Center in the year 2010.

Mr. **Leighty**. It is 161,200. Now, with the William Center, it is 171,700 on 66.

Senator **Bumpers**. Right. Now, then east of 234, let me just run through these figures and you just say yes or no.

East of 234, I take it the figures today, is that 42,000 today?

Mr. **Leighty**. 53,250, sir.

Senator **Bumpers**. I tell you, in order to shorten all of this, let me just suggest you send me this data as soon as you can after this hearing. Okay? And give me all of those stats before or as of today, and the year 2010 without William Center, and the year 2010 with William Center.

Mr. **Leighty**. With and without the road closings or assuming the road closings take place?

Senator **Bumpers**. Well, do both. Now, can you tell me, is it my understanding that you now project the cost of the bypass at $101 million?

Mr. **Leighty**. We have projected the cost of the bypass from Woosley over to Catharpin and down to I–66 as $101 million. Yes, sir.

Senator **Bumpers**. What kind of a distance is that? How far is that in mind?

Mr. **Leighty**. The cost of the section down to 66 is $59 million. We have also included the cost projection of an additional lane from Gainesville to Centreville for the total package cost of closing both roads at $101 million.

Senator **Bumpers**. Is that simply the bypass plus an additional lane on 66?

Mr. **Leighty**. Yes, sir.

Senator **Bumpers**. One additional lane each way?

Mr. **Leighty**. Yes, sir.

Senator **Bumpers**. Now, what are your present plans for when you would do this?

Mr. **Leighty**. Mr. Chairman, we have currently approximately $1.3 million to do design work on the 234 bypass from I–66 south.

We have no funds programmed in our current 6-year plan to do anything on the 234 bypass for I–66 north up to Catharpin and over.

Senator **Bumpers**. That is really key, is it not?

Mr. **Leighty**. We have no money on the project. No, sir.

Senator **Bumpers**. So you do not have anything planned at least for the next 6 years?

Mr. **Leighty**. That is correct.

Senator **Bumpers**. When do you plan to widen 66?

Mr. **Leighty**. That will depend upon the availability of Federal funding, sir.

Senator **Bumpers**. Well, how much money would it take for the Federal funds to induce you to do that?

Mr. **Leighty**. Well, the additional cost of the additional lane on just 66 is $22 million from Centreville to Gainesville.

But Mr. Chairman, it is very difficult to put an additional lane on the interstate system, which is then constricted at both ends of the interstate system back down to two lanes again in each direction.

It is our hope in the long range to add, or in the long term to put an additional lane all the way from the Beltway out to Gainesville.

Senator **Bumpers**. It is pretty desperately needed, based upon what I have seen out there.

Mr. **Leighty**. Yes, sir.

Senator **Bumpers**. Ms. Seefeldt, let me say that I am not unsympathetic to the problems of Prince William County.

But let me ask you this. Do you consider the fact that you plan to have 370,000 people by the year 2000, do you consider that good?

Ms. **Seefeldt**. We are told to expect 317,000 by the year 2000.

Senator **Bumpers**. I am sorry, 317.

Ms. **Seefeldt**. Yes, sir.

Senator **Bumpers**. What is the present population?

Ms. **Seefeldt**. It is 210,000.

Senator **Bumpers**. Let me ask you this.

Ms. **Seefeldt**. The question was, was that good?

Senator **Bumpers**. Yes.

Ms. **Seefeldt**. Well, people are coming to the metropolitan region, as I know you are aware of, because of the jobs that are available.

But in our case, 70 percent of our commuters leave the County every morning to go to work. So what we are trying to do——

Senator **Bumpers**. Seventy percent?

Ms. SEEFELDT. Seventy percent. What we are trying to do is plan to provide, not only to improve our tax base, but to provide local jobs for the people who are coming.

Senator BUMPERS. If you create 8,000 jobs, and just for interesting hypothetical conversation, let us assume that 4,000 families of four people each move into Prince William County to man the William Center. Are you not going backwards?

Ms. SEEFELDT. As I mention in my testimony, Mr. Chairman, we have factored out the cost of providing services and have come up with a figure of net tax revenue to the County from the project. And I would also like to add——

Senator BUMPERS. Is that the $260,000 million, is that what you say is net over the next 20 years?

Ms. SEEFELDT. That is a gross figure. The net is $87 million from the project, or from the total project.

Senator BUMPERS. Over a 20-year period?

Ms. SEEFELDT. Over a 20-year period. And the net figure after that is about $14 million annually. That factors out the cost of services.

I would like to also suggest for your consideration this fact. With or without the William Center project, Prince William County is going to grow in the general direction that has been forecast.

The growth patterns have not only been consistent but they have been ahead of the projections. And that has been a consistent pattern for over a decade. So stopping the William Center is not going to stop the growth problems in Prince William County and it certainly is not going to solve our transportation problems, or the park's transportation problems.

Senator BUMPERS. Have you in your own mind, Ms. Seefeldt, have you in your own mind debated the tradeoff between the tax base that you want and the historical significance of this tract?

Ms. SEEFELDT. Certainly, Mr. Chairman.

Senator BUMPERS. And you have come down on the side of development?

Ms. SEEFELDT. I have come down on the side of the citizens of Prince William County.

Senator BUMPERS. Do you consider that coming down on the side of the citizens of Prince William County as opposed to the historical significance of this whole battlefield park?

Ms. SEEFELDT. With all due respect, Mr. Chairman, it was our understanding that the Congress in 1980 looked at the issue and decided that this site, and a number of others around the periphery of the park, which are not under consideration here today, were not of sufficient historic significance to be taken into the park. We have made our plans with care and consideration for what we certainly recognize is a national treasure.

Further, we strongly feel that the elements of a solution that does not require Federal intervention are available, if we can have cooperation from all the parties at interest.

Senator BUMPERS. Who owns the tract just east of the William Center tract? And north of 66?

Ms. SEEFELDT. I guess, if you are going this way on the map, you are going west. The owners identified on this map is a family called Latsios.

It is some sisters and a brother, and they have owned the property for many years. There have been reports in the press that the owners of the William Center may have recently acquired a partial interest in that land.

Senator **Bumpers**. Who did?

Ms. **Seefeldt**. The owners of the William Center.

Senator **Bumpers**. Have acquired an interest in that property?

Ms. **Seefeldt**. That has been reported in the press, based apparently on tax records. I have not seen that documentation myself. And I think you will be hearing from them.

Senator **Bumpers**. Have you heard all these figures about that property being worth $50 million or $100 million?

Ms. **Seefeldt**. I certainly have, and I am far from an expert in these matters of assessment and land values. But I absolutely believe the numbers.

Senator **Warner**. When you say the numbers, the record will not refer to which is "the."

Ms. **Seefeldt**. Well, the $50 to $100 million estimate is what everyone——

Senator **Bumpers**. Why is it on the tax books at $13 million?

Ms. **Seefeldt**. We assess, of course, annually. But the assessment process closes out, for example, perhaps in late fall. The tax bills do not go out until March. And so there is always that drag in time between the time the property is actually assessed and the bill goes out.

And in addition, at the time this property could have been assessed for $13 million. I am not sure if any of the infrastructure improvements had begun. But there has been a lot of utility and infrastructure.

Senator **Bumpers**. Mr. Hazel may be sitting there having a quiet heart attack right now. [Laughter.]

Ms. **Seefeldt**. But we do know from land sales in very recent history all around that land is going for $9 a square foot.

I believe that if you used a $2 a square foot number and used the William Center acreage, you would quickly get to $50 million. And there is not any land selling around there for $2 a square foot.

Senator **Bumpers**. Ms. Seefeldt, there were 537,000 visitors to this park in January through July of this year. And it is anticipated the visitation will easily reach 700,000 this year.

You have Holiday Inn, you have a lot of other motels all there, built and in fairly recent memory to accommodate tourists in that park. Do you not consider that of value?

Ms. **Seefeldt**. Absolutely. Tourism is a burgeoning feature of our tax base. And in fact it has increased significantly, I believe, from $50 million or up into $60 million in the last year in terms of tax benefits from tourism.

We are absolutely aware of how important that is. We do not want to do anything to damage it. It is a tremendous asset.

Senator **Bumpers**. Has a poll been done? And I do not live by polls, but I am concerned, has a poll been done in Prince William County as to the feelings of the citizens there about this development?

Ms. **Seefeldt**. About the development?

Senator **Bumpers**. Yes.

Ms. **Seefeldt**. The County itself has not conducted a poll. I believe——

Senator **Bumpers**. Maybe Senator Warner has one.

Senator **Warner**. No, he does not. But I can tell you the results. [Laughter.]

Ms. **Seefeldt**. I think one of the new local newspapers that serves a portion of the County, this area of the County, did a poll last spring.

But I think it is also fair to point out that very few citizens at that time had the benefit of what the real aspects and the scope and the ramifications of this issue were.

Senator **Bumpers**. What is the status of the mall on I-95? The Hahn site, what is the status of that one?

Ms. **Seefeldt**. The Hahn Company submitted a site plan approximately 2 weeks ago. It may have been somewhere between two and three weeks ago. And it is going through the normal review process.

That is a project that has been contemplated, the land was rezoned over a decade ago. We have been waiting ever since. But of course it is also 20 miles across county on Interstate 95.

It is not a mall that is going to necessarily compete with the market for this project.

Senator **Bumpers**. Senator Warner, did you wish to ask any questions?

Senator **Warner**. Thank you, Mr. Chairman. First I would like to observe that I have had the privilege of knowing this fine Virginian for some time, and we have worked on this project in 1979 and 1980 and 1981. And now she is back in this time as the Chairman.

And I think, while we may have some differences of views as to the possible solution, you have handled your responsibility in a very fine way, and deservedly have earned, I hope, the respect and appreciation of the people that you represent in the county.

As far as trying to determine their views on it, I just do not know of any accurate polls that have been taken. I certainly have not taken one. And it all depends on the extent to which they have been able to familiarize themselves with all of the many issues involved.

I think we will just have to sit down here and plow through this issue and do what we think is in the best interests of our country and our state and our county, and see where we come out.

Now, that brings me to review briefly, did the public at any time really have a voice or an ability to express themselves in any formalized structure with respect to this proposal to incorporate the mall?

Now, they did in earlier hearings in 1986, with reference to what we call the concept plan of April of 1986. And I do not know what you are going to do with all the pictures taken here today, but they did on this, did they not?

They did have a chance to express themselves on this and presumably you took that into consideration at the time you redrafted your rezoning regulations?

Ms. **Seefeldt**. That is correct, Senator. Although that is not what was approved finally.

Senator **Warner**. I understand that.

Ms. **Seefeldt**. There were significant changes. I think I mentioned them when you were out of the room.

Senator **Warner**. But how would you characterize what it was that was finally approved after the public hearings and so forth? What language would you use to characterize, say, the foundation document?

Ms. **Seefeldt**. That was not—an illustrative plan is not a foundation document unless it is submitted as a proffer and proffered as a generalized development plan.

The ultimate rezoning took this land from agricultural zoning to what we call mixed use. The mixed use zoning in this particular project was proffered to limit the residential growth to a certain number of units, and the balance would be some unspecified combination of non-residential, either commercial or office.

Those are the underlying zoning and legal facts of the situation.

Senator **Warner**. I am going to read from a document which is entitled, Approved Proffer Development Plan, November 18, 1986, Office of Planning. Now you are familiar with that one, are you not? Is that correct?

Ms. **Seefeldt**. Yes, I am sure we have it here somewhere.

Senator **Warner**. Well, I obtained it from your government center. But anyway, that does not mention the mall in it.

Ms. **Seefeldt**. No.

Senator **Warner**. So I think really the problem arose when the mall was later incorporated. Would that be inaccurate?

In other words, if the mall had not been incorporated in the current plans, there is a strong likelihood we would not be here today. Is that not a fair bit of conjecture?

Ms. **Seefeldt**. The mall certainly seems to have generated the most controversy, Senator.

Senator **Warner**. But at the time this document was prepared and it addressed the overall development of the William tract, there was no effort to stop this of the proportions that we are witnessing today.

Ms. **Seefeldt**. No. There were not. And there had been very open and lengthy public discussions with the community, even before kicking into the public hearing process, before the planning commission and the Board of Supervisors.

And I believe we are looking at the proffer development plan dated November 18, 1986.

Senator **Warner**. Coming directly to the point, has the public ever had a formalized procedure by which to comment on the subsequent incorporation of the mall into these development plans?

Ms. **Seefeldt**. The Board has not conducted a public hearing.

The owner of the property announced last January, January of 1988, that a major, one of the major regional mall developers in the country had expressed interest in locating a regional mall on his tract.

The next step was to determine whether this was——

Senator **Bumpers**. Could I interject at that point, Ms. Seefeldt? With your indulgence, Senator Warner, was that the first that this big mall had been anticipated?

Ms. **Seefeldt**. Yes, sir.

Senator **Bumpers**. That was not a part of the original plan filed with the County, was it? As I understood it, there was a development plan filed with the County back in 1986. Is that not correct?

Ms. **Seefeldt**. There was not a plan submitted such as what Senator Warner has referenced here. That is an illustrative plan.

The zoning that was approved allows for 2.9 million square feet of non-residential use, some unspecified proportion of office and commercial, and the residue is residential.

Senator **Bumpers**. It was not anticipated that there would be a big mall?

Ms. **Seefeldt**. No. We probably would have all saved ourselves a lot of trouble if someone had thought to say, gee, maybe we are going to be confronted with a regional mall.

Senator **Bumpers**. And when was it, was that January of 1988 did you say?

Ms. **Seefeldt**. Yes, sir. January of 1988 it was announced that there was serious interest and plans being made to locate a regional mall on this property.

As we looked at the issue, we could see that very clearly according to our legal counsel that was an allowable use consistent with the zoning. And then as events began to unfold, we looked at it, as you asked me earlier, very carefully. What does this really mean in terms of park preservation versus the County's interest for its citizens?

And we have become convinced more and more as the weeks have gone by that this project can proceed. There needs to be some adjustments. We feel certain that more improvements can probably be made in terms of protections and relocation of specific projects.

But we are absolutely convinced that this is not going in the end to be incompatible, if we can all get together with a responsible plan and park protection plan. It has, I think, very unfortunately been terribly overstated in the national media as to what is really going on here.

Our tourism director was in fact at the visitors center in August waiting to meet some representatives from a tour bus company, and a couple, an elderly couple, drove up and stopped, and since the office was not opened yet they began to speak with her.

They were from Colorado, and they were touring in the Washington area, and told her they had made a special point to come out to the Manassas Battlefield Park. They wanted to see it before they put a mall in it.

Now, that is an example of the kind of hype and overstatement that has unfortunately been woven into all of this. If we can take the heat out of it, if we can take the emotion out of it, if we can be objective and dispassionate, and if the Senate can exercise the wisdom that it has such a reputation for, I think we can certainly work this out.

Senator **Warner**. I would like to ask Mr. Leighty a question or two here.

Throughout my tenure in the Senate, I have tried as best I can, vote after vote, to preserve the rights of a Governor to make decisions with respect to his road systems and other things which I feel are really sovereign rights of the State.

And I have been troubled all along by certainly the Wolfe proposal which was passed by the House with 307 and the Mrazek language in the appropriations bill of the House and a lot of other actions, and I repeatedly tried to get some help and assistance from the Governor and his department, and you are here today.

But what is the Governor's view on, say, the Wolfe bill as such? Has he taken a position on that?

Mr. LEIGHTY. On the Wolfe bill other than what he stated to you, sir, in his letter to you of July 16th which was, or 15th, was that——

Senator WARNER. Speak up into the mike, there.

Mr. LEIGHTY. The specific position is that we would like to see the transportation network improved as a result of this. Specifically, we would like to see——

Senator WARNER. You have covered that in your testimony. Let us talk about the broader concept. Here is one of the counties of the Commonwealth of Virginia who is up here pleading with the Congress to let it go ahead and discharge its functions.

Did the Governor address that issue in terms of his opinion with respect to one of the counties of the State?

Mr. LEIGHTY. With respect to the historic significance?

Senator WARNER. No, no. The concept of the Wolfe bill, of just taking this property and putting it in the park. I mean, my question is, and the County is up here, through the Chairperson, fighting hard to try and preserve its right to make certain decisions.

Does that Governor have any position on that?

Mr. LEIGHTY. Well, just as you guard the rights of the State to make their own decisions, we regard the right of the counties to——

Senator WARNER. Has he expressed that?

Mr. LEIGHTY. I think in our discussion with the County officials we made it very clear.

Senator WARNER. But, you know, publicly, we are fighting this thing up here in the halls of the Congress now. Has there been any expression of opinion on that?

Mr. LEIGHTY. Other than his correspondence with you, no, sir. Which we have made available to the entire delegation.

Senator WARNER. What are the State's current plans for the interchange with Interstate 66 at the corner of the Prince William tract?

Mr. LEIGHTY. We have $1.3 million in engineering money applied to studying the engineering work and the design work on the 234 bypass South, and the County has also offered to assist us in doing some funding to look at 234 South and the interchange to 66.

Senator WARNER. In the normal progression of events, when would the State probably provide the money to do this?

Mr. LEIGHTY. We have current money in the 6-year plan to do the design work.

Senator BUMPERS. To do the design work?

Mr. LEIGHTY. Design only, no construction money.

Senator WARNER. You said there would be no construction? For what likely period?

Mr. LEIGHTY. We do not have any construction money within the six year budget, the six year cycle, sir.

Senator WARNER. So I presume the Governor would be supportive of that part of my proposal, namely to get $11.9 million from the Federal Government to do this, if the Congress felt it necessary?

Mr. LEIGHTY. Yes, Senator. One of the things we are trying to do with the testimony today is to place it in perspective in terms of the cost of this particular segment of the bypass. We are talking about a proposal, if we were to close the roads, that had a minimum and we think it is a very modest request, of $101 million to build alternatives to those two closed roads.

But to place that in perspective, the entire Northern Virginia construction district, and our construction funds in Virginia are allocated by formula, the entire construction budget in Northern Virginia this year is $78.4 million. The primary, the entire Federal and State primary budget is only $23 million in the State. And so—or the Federal is $23 million.

So you are talking about, on this one project alone, eating up a substantial amount of construction cost that we cannot in good faith say to the Northern Virginia citizens, we are going to set all the other construction aside in Northern Virginia and just do this one project. And that is why we have emphasized the transportation message as heavily as we have, sir.

Senator WARNER. That is very clear, and I thank the Chair for the indulgence and I welcome Mr. Mabry who I have worked with these ten years here in the Senate. You have a corporate knowledge of the State and how it goes about its business under a number of Governors and have served your citizens well. It is nice to see you.

Senator BUMPERS. Senator Trible, did you have any questions?

Senator TRIBLE. I do, Mr. Chairman, thank you. I think it is fair for the record to reflect that the Governor of Virginia has taken no position on this matter, and that of course is the thrust of your questions and we might as well say it.

Senator WARNER. He did respond to a letter I sent to him on the aspect of growth.

Mr. LEIGHTY. We have responded and provided, we think, guidance to the entire Congressional delegation, both on the Mrazek amendment dealing with the appropriation measure, as well as with the response from our Historic Preservation officer on the historic significance, and on the transportation issues, Senator.

Senator TRIBLE. Well, the letter, as brief as it is, we will let speak for itself. But let me go to my questions, and I will do so promptly, Mr. Chairman.

Madam Chairman, the heart of this issue for many will be the cost of acquiring this property and there is some dispute between the proponents and the opponents of these initiatives. Some say the property can be acquired for $15 million and others say it will cost hundreds of millions.

I think if you look at comparable pieces of property and the prices they are fetching today, the value of this property is much closer to $100 million than it will be to $15 million.

I would like to ask you to provide for the record, if you will, comparable land transactions in the area and from that I think my colleagues and I will be in a position to better assess the true value of this property. Can you do that for us?

Ms. **Seefeldt**. We will be glad to do that to the best of our ability, Senator.

Senator **Trible**. That's reflected in the land records of the County and if you would be so kind as to provide that, that would be very helpful.

Secondly, I think I would invite you to respond to my colleague's proposal. Do you support it? Do you oppose it? And how do you evaluate it?

Ms. **Seefeldt**. Senator Warner's proposal of course needs to be carefully looked at. It was only recently developed. We have not had time to analyze it as we must. Our position, based upon what we know of the Senator's proposal is that we oppose the House bill as posed, thoroughly.

If there is to be a partial taking, we would urge extreme caution because, as I mentioned earlier, you are going to be getting into the area of actually exercising as a zoning board.

There are a lot of complications. What are the road access points going to be? What happens to the utilities, the easements?

Senator **Trible**. So you concern goes to the Federal Government mandating land use decisions?

Ms. **Seefeldt**. That is correct. And also, based on the very preliminary review I have been able to give the proposal, another question pops to mind.

I certainly do not have the answer, but perhaps Senator Warner's proposal really renders the rest of the property useless or virtually useless, in terms of economic development. I do not know that answer to that yet. We would have to take a very careful look at it.

Senator **Warner**. Could you give us a hypothesis of how it might, though? This is a startling revelation.

Ms. **Seefeldt**. Well, scenic easements, I think, are a part of your proposal.

Senator **Warner**. No, my proposal, and excuse me, Mr. Trible, if you would yield on this. I want to clarify this. It is rather explicit. It simply said we will go back to where you were in April of 1986, before the mall was proposed, and say go forward with that.

My proposal says when you reach that decision after a series of public hearings and your County board meeting and so forth, gravitated to that, and everybody is going to go forward. Let us do that. Let us go back to that.

And so it seems to me that allows some reasonable amount of development.

Ms. **Seefeldt**. Well, you asked—I was asked my response to your proposal. First, we have not had the opportunity to analyze it carefully, and secondly, I pointed out I believe you referenced and April 1986 illustrative plan which is not what we ultimately approved, Senator. It doubles the housing component.

Senator **Warner**. I understand. But what is it that you ultimately approved? Define it for me?

Ms. **Seefeldt**. We approved 542 acres. It was, the residential component, was capped at 560 units, a mixture of single family and townhouses, protected by a 50 foot undisturbed buffer from the park.

The balance of the property is zoned non-residential. The overall zoning is mixed use. The balance is 2.9 million square feet of non-residential use in some ratio of office and commercial.

Senator **Warner**. Now, that is precisely what I said. It should go forward, subject to a buffer where Longstreet had his formations.

Ms. **Seefeldt**. Well, we do not know, for example, the depth of that buffer, as I sit here.

Senator **Warner**. We are going to work to define it, but I do not think that it is unreasonable.

Ms. **Seefeldt**. I cannot be more responsive than I am being. We need time to look at it and certainly would appreciate the opportunity.

Senator **Warner**. When you said it might render the rest of the property useless, that is a pretty strong statement.

Ms. **Seefeldt**. I thought, Senator, I heard you make some reference to easements that would also be acquired, scenic easements.

Senator **Warner**. Mr. Trible, you go ahead with your questions and I will read to you the exact language.

Ms. **Seefeldt**. In that case, I think it would throw into some question——

Senator **Bumpers**. Gentlemen, let me say that I have tried to accommodate everybody as best I could. We have been here three and a half hours and we still have two panels to go. And so I do not want to cut you off, Senator Trible, but I want to—we are going to be here——

Senator **Trible**. I have not been using time, Mr. Chairman.

Senator **Bumpers**. No, you have not, and I am not criticizing you. I am just simply stating a fact. Did you have any additional questions?

Senator **Trible**. No, I would yield and be happy to allow Senator Warner to complete his thought.

Senator **Warner**. Well, the County has got to have an opportunity to work with this.

And I came before this Committee early this morning; you heard me say I needed some technical expertise from all parties involved and I am spending an enormous amount of time on this, and yet I cannot quite grab what it was you did and everybody approved and how to define it.

That is essentially what I want you to have the freedom to go forward with, together with the developer, as a possible compromise with the Wolfe bill which takes it all away and the other extreme, with a veto situation or the Senate just does nothing, and we are left in status quo.

And so between those two extremes, I have tried to chart a course and I would be glad to work with you to refine exactly what I think is that middle ground.

Ms. **Seefeldt**. And we would certainly welcome that opportunity.

Senator **Warner**. But I do not think it would render the balance of the tract useless.

Ms. **Seefeldt**. We do not know at this point.

Mr. Chairman, there has been a lot of discussion about initiatives to get the 234 bypass underway, and if I could ask for just a few more minutes.

There are some local initiatives that I think would be of interest to the Committee. The County has placed a segment of the bypass on its list of bond referendum projects for voter approval November 8th, and that's a segment directly south of the proposed interchange down to the first road you can see on this map.

And we have identified $10 million of—if the voters approve this, to begin design and right of way acquisition for that portion of the bypass. We are putting our money where our mouths are, in other words.

Senator BUMPERS. I had understood from his statement that the County was willing to participate in that.

Ms. SEEFELDT. That is correct, and furthermore, the private sector is willing to participate. As the bypass travels through the County and through the city of Manassas, a group has formed, and they have pledged seven, almost all the right of way between the bottom of the map up to where the county project would end.

And that is a considerable benefit to reducing the cost of the project and helping to accelerate it. We are in jeopardy of losing those pledges for right of way if this drags on too much longer.

Further, the General Assembly has given us the permission to create a special taxing district that would involve a surcharge on the non-residential property owners, up to 20 cents per hundred as a way of generating additional local revenue to help underwrite the cost of the project.

We are trying to explore every means we know to help accelerate the project.

Senator BUMPERS. Thank you very much, and thank both of you for being here with us today.

Our second panel is Anne Snyder, Chairman of Save the Battlefield Coalition, Catharpin, Virginia, Dr. James McPherson, Edwards Professor of American History at Princeton, Paul C. Pritchard, President, National Parks and Conservation Association and J. Jackson Walter, President of the National Trust for Historic Preservation.

Dr. McPherson, I have just been advised you have a train to catch. I apologize.

Dr. MCPHERSON. That is all right. I can be flexible about that.

Senator BUMPERS. I would like to say, first of all, I am most honored to have this distinguished panel. Dr. McPherson, you are looking at an unabashed fan. I would like to fatten the McPherson family coffers by saying that Battle Cry of Freedom ought to be required reading for every high school and certainly every college student in America.

I have always sort of subscribed to Mortimer Adler's required reading list. He said that no child should be graduated from high school and certainly not college until they have read the Preamble to the Constitution, the Constitution, de Toqueville's Democracy in America and the Gettysburg address.

I have made hundreds of speeches in which I cite that, and a couple of years ago I started adding Barbara Tuchman's March of

Folly to that list, and since then I have added your Battlecry of Freedom to that list.

That is easily the most definitive description of the Civil War era, so well documented, the bibliography is exhaustive and exhausting. And I just consider, I cannot imagine every college professor in the country—when children come up to me, incidentally, and tell me they hate history, I always tell they got a lousy history teacher. Because somebody has simply not been doing their job to make history interesting to them.

But, as I say, I am most honored that you could be with us today, and I especially had asked the staff to invite you here to discuss your feelings about this proposal. If time is of no constraint, we will take the panel according to the way your names appear here.

Anne Snyder will be first. Ms. Snyder, please proceed and take the microphone right there.

STATEMENT OF ANNE D. SNYDER, CHAIRMAN, SAVE THE BATTLEFIELD COALITION

Ms. **Snyder**. I was very empathetic with your opening remarks, because I——

Senator **Bumpers**. You are like the poor, Ms. Snyder, are you not? You are with us everywhere.

Ms. **Snyder**. I think this is the third time I have had the honor of appearing before your committee, and the last time was the battlefield expansion. I never thought to be sitting here again.

The then Director of the Park Service, William Whelan, wanted to include this tract of land in that expansion bill, if you will remember, and the request had been withdrawn because Prince William County's repeated insistence that they would not support any expansion bill that included this tract.

In those days, Representative, I mean Director, Whelan, said that we could acquire it for $5 million. I submit that the record over the years of this Congress' attempts to acquire this tract on the request of the Park Service have always been thwarted by local governments' refusal to go along with it.

So that is why today we are having to pay considerably more than we would have, had we not relied on local government to protect it. We have tried repeatedly for the last eight years to get a historic overlay district around this park, and while the County pays lip service to it, they have never done it.

So where are the concern and outrage expressed by citizens throughout the nation in 1973, as you recall, when this County government wanted to put a gigantic amusement park there? And then, as now, the citizens of this Nation rose up in righteous ire and said this will not happen.

And at that 1980 hearing, and I am sorry, sir, this is an emotional issue. The County government, our Vice Chairman Don White assured you and all of us here that the County government has absolutely no intent whatever of doing anything to violate the integrity of that park.

And they reiterated it when they promised you, and I have got the booklet here of that hearing, we want to protect the integrity of that park.

With that promise to rely on, I am sure, Senator Bumpers, as I did not think to be sitting here once again, listening to the pleas of thousands throughout the nation to save the Manassas battlefield from incompatible development.

Yet, here we are, trying to protect land that just eight years ago our County government assured this Subcommittee, Senator Warner and the citizens of this nation that they would protect from violation. Now an outraged nation rises in righteous ire to protest this huge regional shopping mall that will violate the integrity of the Manassas battlefield park.

I have here, sir, 75,000 petitioners, Americans, one third in Virginia, 26,500, Senator Warner, to be exact, who are petitioning for redress of this grievance. On their behalf, I humbly present these to you, along with the groups of petitions sent to me by Jim Wright of Texas that he had received in his office.

They protest the construction of a huge commercial mall adjacent to the Manassas Battlefield Park and ask that you do all in your power to protect them. But more interesting, well, I do not want to let these go quite that easy. These come from every single state in the United States, Alaska, Idaho, North Dakota, every state.

And these citizens really care. It has been the most gratifying thing in my life to have the honor of reading between 25 and 100 letters that have come to our headquarters every day since this happened. It is not only an honor, it is a real tear-jerker.

But if anybody thinks that the American public is apathetic, they should read those letters. They come from old, young, children. One very touching one came from a 100 year old man who had lived in Virginia and he said he disapproved of the shopping mall on hallowed ground, and then he went on to say if it is built I shall denounce my native state and never set foot on its precious soil again.

And we received just a few weeks ago a letter from a woman with a crumpled up $1 bill, saying this is all I can afford, let us save Manassas. And they are the letters I have read, day in and day out, letters from important people, too, like—well, they are all important.

The guy that gives a dollar is just as important as the man who gives $100. There are letters from the Director of VMI, from all kinds of people of every stripe and denomination you can think of, Republicans, Democrats, it has just been absolutely overwhelming.

And when I look at these old hearings, I remember in 1980 I came in and I had 9,000 petitions at that time. We thought that was an awful lot. It took us like four years to acquire those.

These 75,000 have come in in seven months. It is—this is a thing whose time has come, because on recurring thing is not only do they love the Manassas, which is very gratifying to me who has loved it for so long, but they have a Manassas in their state. They have something that is imperiled in their own state.

They love our national treasures, our national parks, our national battlefields, and they want them protected. And that is the message that America is sending out to you.

In my text, in my testimony MacNeil Lehrer had a report about two months ago. Roger Mudd was the speaker, and he said, and I think this is absolutely 100 percent true, "What the politicians will probably discover if they look at this thing carefully, is that most Americans have a love affair with their parks and their battlefields and their rivers and with knowing what America was once like and that most do not believe as Jonathan Yardley of the Washington Post put it, that their ancestors died here in Manassas for life, liberty and the pursuit of Reeboks.'

Reasonable people can differ, but it is becoming painfully evident that we must have some criteria other than that of local government as to what constitutes protection of our historic treasures and resources. Because these are national treasures, Congress must establish that protection criteria and the means to encourage compliance.

We implore you to do this in 1980, we implored you to do it in 1973, and we are here to implore you to do it again.

[The prepared statement of Ms. Snyder follows:]

The Senate Sub Committee on Public Lands, National Parks, and Forests
Testimony by Anne D. Snyder, Chairman of the Save the Battlefield
Coalition

September 8, 1988

Mr. Chairman; Members of the Committee:

When I testified before this distinguished Committee in 1980, regarding a proposal to expand the Manassas National Battlefield Park, I did not think to be sitting here again.

While the then Director of the Park Service, William Whalen, had wanted to include this property in that expansion bill, the request had been withdrawn because of Prince William County's repeated insistence that they would not support any expansion bill that included this tract.(A.)

Aware of the concern and outrage expressed by citizens throughout the nation in 1973, when our county government rushed to approve an amusement park on this hallowed , historic land, our Supervisor, Vice-Chairman White , assured your committee at the 1980 hearings **" the county government has absolutely no intent whatever of doing anything to violate the integrity of that park."** And reiterated it when he promised Senators Bumpers, **"We want to protect the integrity of that park"**. With that promise to rely on I'm sure Senator Bumpers, as I, did not think to be sitting here once again listening to the pleas of thousands throughout the nation, to "Save the Manassas Battlefield" from incompatible development.

Yet here we are trying to protect land that just eight years ago our county government assured this Sub Committee , Senator Warner, and the citizens of this nation they would protect from violation.

Now an outraged nation rises in righteous ire to protest a huge regional shopping mall that will violate the integrity of the Manassas National Battlefield Park. Over 75,000 Americans. one third in Virginia, have petitioned for redress of this greivance. On their behalf , I humbly present to you these petitions from residents of every state in the Union, as well as a small number from natives of other lands, protesting the construction of a huge commercial mall adjacent to the Manassas National Battlefield Park and asking that you do all in you power to protect the battlefields from this totally incompatible development.

During the past eight months the Save the Battlefield Coalition has received thousands of letters from concerned citizens throughout the United States. They comprise a toucning testimonial to a statement made by Roger Mudd on a recent Mac Neil/ Lehrer Report:

"What the politicans will probably discover if they look and listen carefully is that most Americans have a love affair with their parks and their battlefields and their rivers, and with knowing what America once was like- and that most do not believe , as Jonathan Yardley of the Washington Post put it, that their ancestors died here in Manassas for life, liberty and the pursuit of Reeboks."

Reasonable people can differ but it is becoming painfully evident that we must have some criteria other than that of local government as to what constitutes protection of our historic treasures and resources. Because these are **national** treasures, Congress must establish that protection criteria and the means to encourage compliance. We implore you to do so.

(A)

PRINCE WILLIAM COUNTY, VA.
9250 Lee Avenue, Manassas, Va. 22110
ALICE E. HUMPHRIES
Chairman

DONALD L. WHITE
Vice Chairman

BOARD OF COUNTY SUPERVISORS

JAMES BYRD A
[illegible] DONNELLY
JAMES J. McCOART
KATHLEEN K. SEEFELDT
T. CLAY WOOD

MOTION: WHITE

SECOND: BYRD

May 10, 1977
Regular Meeting
Res.No.77-19-24

RE: EXPANSION-MANASSAS BATTLEFIELD PARK - FORWARDED TELEGRAM EXPRESSING CONTINUED OPPOSITION

BE IT RESOLVED that the Prince William Board of County Supervisors does hereby agree to send a telegram to Congressman Herb Harris, Congressman Philip Burton, and Secretary of Interior Cecil D. Andrus, stating the following:

> The Board of Supervisors of Prince William County are informed that Congressman Harris has drafted his Battlefield expansion bill to exclude the Marriott property from the Manassas Battlefield Park Expansion and that this bill was approved by a subcommittee of the Committee on Interior and Insular Affairs. The Board agrees with the bill's requirement that all parcels in the northeast quadrant other than the Wheeler Tract be included by scenic easement rather than fee acquisition. This would ordinarily permit the Board to withdraw its opposition to the bill. Recent events indicate that such withdrawal would be foolhardy, however, since a member of the Board was informed in Congressman Harris' presence that the Department of Interior intended to have the bill amended to take the entire Marriott tract, and to place control of a future Rt. 234 Bypass north of Rt. 66 entirely within control of the Department of Interior. The Department indicated other intentions contrary to Congressman Harris' bill as presently approved. Therefore, the Prince William Board of County Supervisors cannot and will not withdraw its opposition to any expansion that includes the Marriott tract or the acquisition of parcels in the northeast quadrant of Rt. 234 and I-66 by fee acquisition or that jeopardizes the County's ability to provide roads necessary to service industrial development and the citizens of Prince William County.

NOTE:
MARRIOTT TRACT
is now
HAZEL/
Peterson
Cos.

VOTE: AYES: Byrd, Donnelly, Humphries, McCoart, Seefeldt, White, Wood.
NAYS: None.
ABSENT DURING VOTE: None.

For Information:
County Attorney

CERTIFIED COPY
[illegible] Chappell

106

DEVELOPMENTS NEAR MANASSAS NATIONAL BATTLEFIELD

HEARING

BEFORE THE

SUBCOMMITTEE ON
NATIONAL PARKS AND RECREATION

OF THE

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, D.C.
APRIL 3, 1973

Serial No. 93-9

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STATEMENT OF GILBERT LeKANDER

Mr. LEKANDER. My statement simply seeks to call attention to the committee two things that Mr. Saylor will remember.

Mr. TAYLOR. A copy of your entire statement will be placed in the record.

[The statement follows:]

STATEMENT OF GILBERT LEKANDER

MR. CHAIRMAN: Others will testify in greater detail than I on the impact of a Marriott amusement park upon the adjacent national park. I am convinced the impacts of traffic, noise and visitation will be intolerable.

actively oppose the Marriott impact, though it is correct as the Chairman has said that local zoning is not usually within your jurisdiction. I will explain very briefly.

With the Civil War centennial approaching, the Senate interior appropriations subcommittee added $450,000 to HR 5915 (86th Cong., 1st session), the regular annual appropriation bill, for the purchase of land at Gettysburg and Manassas battlefields. Conferees agreed, adopting the Senate committee report language which specified that land could be purchased only if local zoning ordinances protected the federal park. Prince William provided that protection, the perimeters of the park being zoned agricultural. Adams county, Pa., did not. As a result, $400,000 of the money was spent at Manassas including purchase of a large tract directly adjacent to the Marriott property. On the basis of this history, I believe the Congress has the right and duty to insist that Prince William honor the contract implict in the action taken in 1959. I believe we can argue rightly that the federal government expended this $400,000 in reliance on the Prince William zoning ordinance. Once such reliance has been placed in that ordinance, I believe the County of Prince William is estopped to deny the effect of that Agricultural zoning, and any change from agriculture zoning on the park perimeter would be invalid if challenged.

I suggest it should be made known to my county government that the Congress and the rest of government will be inclined to view with suspicion any other requests for aid for the county, if it now acts deliberately to endanger a priceless national resource.

And I hope you may consider permanent legislation to impose sanctions on any local government that disregards its responsibilities toward federal parks and other property. There is precedent for this in the housing, water quality and transportation programs.

I think your record should also answer the question often asked: "Why, if the Marriott tract is so important historically, was it not included in the park?" The answer is in the records of this committee. When Wesley D'Ewart was subcommittee chairman (in 1953), he introduced at the request of Conrad Wirth, then Park Service director, a bill to establish Manassas Battlefield park boundaries much larger than those now authorized. The Marriott tract was included in the park service bill. The local government, then as now, was hostile to the park and prevailed upon Judge Smith to work out a compromise reducing the taking area. The Marriott tract was excluded, not because of insignificant historical value, but because local people envisioned then as they do now some kind of money-making activity to take advantage of park visitors.

I am one of the local citizens who have been working for many years to protect this park. Fifteen years ago it was a sanitary land fill, later a truck garage, then a national cemetery, and now Marriott. We intend to keep up the effort, and we welcome this Congressional interest, trust it will be sustained, and pray that it will succeed in preserving Manassas as one of the few unspoiled battlefield parks in the nation.

Mr. LEKANDER. One is that I believe that when this Congress appropriated $400,000 for the purchase of land out there across the road, some of it for the park, on the basis that the county agreed to zone it agriculture, and that was done, that the county entered into a contract with the Congress that could be enforced.

The second is to clarify the point about the historic importance. It was considered at length in the Subcommittee on Public Land in 1953, when Wesley D'Ewart was chairman and Mr. Saylor was present; and this land was compromised out of the park boundary, solely because the supervisors didn't want to lose tax benefits from several hundred dollars a year.

Finally, with respect to the acoustics, I can vouch for you that I can hear the switch engine toot 5 miles away at Gainesville, and I am sure you will be able to hear Marriott's theme park across the road in the battlefield, and it will be incompatible.

NOTE: IN 1953 GILBERT LE KANDER WAS ADMINISTRATIVE AIDE TO THE SUB COMMITTEE ON NATIONAL PARKS CHAIRMAN, D'EWART, LE KANDER DRAFTED THE 1953 EXPANSION BILL.

Senator Bumpers. Thank you very much, Ms. Snyder.
Dr. McPherson.

STATEMENT OF DR. JAMES McPHERSON, EDWARDS PROFESSOR OF AMERICAN HISTORY, PRINCETON UNIVERSITY

Dr. McPherson. Mr. Chairman, I appreciate the opportunity to be here. I especially appreciate your endorsement of my book, and I'm going to ask the publisher to put it on the cover. [Laughter.]

Senator Bradley. I would be glad to endorse your book, too, if I can get on the cover of it. [Laughter.]

Dr. McPherson. Senator Bradley was a history major at Princeton University when I first started teaching there.

Senator Bumpers. You didn't teach this guy, did you?

Dr. McPherson. I don't remember whether I had him or not.

Senator Bumpers. I won't tell if you won't tell.

Dr. McPherson. I see my task here is trying to put the battle of Second Manassas or, as it was known here in Washington and parts north, Second Bull Run in a larger context, larger historical context and then to put the Williams Center, proposed Williams Center tract, those 542 acres into the context of the battle.

First, the battle of Second Manassas was part of the process by which the Confederate government and army was turning around the war from a time in the spring of 1862 when they definitely appeared to be losing, they were down for the count of nine. Robert E. Lee took over command of the army of northern Virginia, reorganized it, drove McClellan away from 5 miles in front of Richmond in the 7 days' battles, and then shifted the Civil War to northern Virginia as a part of a process of proving to the South, to the northern government and to the world that the Confederacy could not be conquered.

There was a lot riding on the battle that occurred here and on its consequences. After the victory at Second Manassas, the British Prime Minister and the British Foreign Minister, the French Foreign Minister consulted directly and by mail about the plan that the British and French government would offer of joint mediation, that their good offices for joint mediation of this conflict, which would have been tantamount to diplomatic recognition of the Confederacy and the attempt to restore peace between two countries, the Confederate States of America and the United States of America, which would have achieved the war aims of the South. The victory of the Confederates at Second Manassas was crucial in bringing the British and the French government to that position.

Robert E. Lee and Jefferson Davis knew that if they would win one more victory, and especially if they would win a victory on northern soil—Maryland was a slave state, but it had remained in the union—that they would probably bring about that consequence of foreign recognition.

They also hoped as a result of their victory in the battle of Manassas and the invasion of the north to which it led directly to influence the Congressional elections that would take place in the northern states in October and November of 1862.

At this time there was a growing peace party in the north that favored an armistice and some kind of negotiations with the Confederacy and again riding on Lee's troops and on the troops that opposed him was the question of who would win those Congressional elections in the fall of 1862. If the Democratic party dominated by its peace wing managed to gain control of the House of Representatives, it would constitute the voters' repudiation of the Lincoln administration's policy of restoring the union by military victory.

Those two important consequences sprang directly from the Confederate victory at the battle of Second Manassas and the consequent decision to invade the north which, as you know, led to the battle of Antietam, and there was yet a third major policy decision that hung on what these armies were doing in the late summer and early fall of 1862, and that was President Lincoln's decision to issue an emancipation proclamation. It was a decision he had first made after the Confederate victories in the 7 days' battle east of Richmond. It was a decision based upon long reflection and thought. It was a decision based on a conclusion that the way in which the North had fought the war so far, a limited war trying to restore the old union, a police action, if you will, to suppress a large riot, an insurrection, was not going to win the war and that the North would have to strike at the heart of Confederate resources and utilize all possible resources of its own if it was going to win this war and restore the nation to one.

Lincoln was persuaded by the Secretary of State to postpone issuing that emancipation proclamation until after northern arms won the victory. They, of course, did not win that victory here at Second Manassas.

Robert E. Lee's decision, backed by the Confederate government to invade the north, gave them another opportunity and, as I think most people in this room are well aware, that invasion led to the battle of Antietam which had significant consequences on all three of these issues that I mentioned.

The correspondence in the British and French governments had said if the Confederates manage to give the Federals another thrashing, we will undertake this initiative of joint mediation.

The tactical stalemate at Antietam but Confederate strategic defeat persuaded them not to take that initiative and, as a consequence, the Confederate government never received European recognition, one of their primary foreign policy objectives.

The victory, or at least the close victory at Antietam, persuaded Lincoln to issue the Emancipation Proclamation, producing a historic shift in both the scope, the direction, the nature of this war, and it also prevented the administration from being repudiated at the fall elections in October and November of 1862.

The war, therefore, went on. There would have been no battle of Antietam had there not been a Confederate victory at the battle of Second Manassas, and all of the consequences that I talk about here would not have happened in the way they did. There would have been a different outcome to the subsequent campaigns, subsequent political decisions, and the subsequent dimension and timing of the Emancipation Proclamation had it not been for what happened here.

Well, all right, here is what I see as the historical significance of the battle in the larger context. What about the Williams Center tract in the context of the battle?

You've all heard a lot of testimony about how this was Lee's headquarters. It was also Stuart's headquarters and Longstreet's headquarters. Jackson spent a fair amount of time there as well.

There were at one time or another over 40,000 troops, Federal and Confederate on this property during the course of the three days, August 28th to August 30th. There were a number of skirmishes that took place on the property. Longstreet's troops took position there, not only in the area around Stuart's Hill or along what is now Highway 29 and was then the Warrenton Turnpike, but all of it, as you can see from that map, which represents only about a 2-hour period out of the 56 or 60 hours that we're talking about here.

There were two Confederate field hospitals on this land, and, as Park Historian John Hughensy has, I think, persuasively demonstrated, there are certainly probably hundreds of Confederate and some Union soldiers that were buried on this property, and there's no evidence that they were ever reinterred.

One of the most significant things about the property was in the words of Sherlock Holmes in The Hound of the Baskervilles, the novel The Hound of the Baskervilles, the dog that did not bark in the night; that is, the combat that did not take place on the Williams Center property because Longstreet's troops were there and, in fact, that event that did not happen led to one of the greatest cause celebre in American military history, the court-martial and cashiering of Federal General Fitzjohn Porter on the afternoon of August 29.

His army corps, two divisions, was ordered to attack Jackson's right wing along the railroad cut at a time when the rest of the Union army was attacking Jackson's front as part of an attempt to win a smashing Union victory for Longstreet's troops which, unbeknownst—Pope had already—to the General Pope the Federal commander—had already arrived. Fitzjohn Porter knew that he had Confederate troops in his front, these very Confederate troops right on the Williams Center tract, and therefore did not attack and was subsequently court-martialed, dismissed from the United States Army, spent the rest of his life trying to get that court-martial reversed. Eventually, 20 years later, did get it reversed when testimony came out after the war by Confederate officers that Longstreet's troops were, in fact, there and that Fitzjohn Porter could not have attacked Jackson's right flank because he could not have moved unopposed across the Williams Center tract.

Then, as I think you've been told more than once, this was the launching area, the staging area for Longstreet's counterattack on the afternoon of August 30th, which did win an overwhelming tactical victory for the Confederate troops here or there at Second Manassas. In that respect it seems to me the property where Longstreet lined up his troops gave them the order to attack is equally important in historical significance to Seminary Ridge at Gettysburg where, in fact, Longstreet and Lee had their headquarters on an area where no significant combat except artillery firing took place but from which Pickett's charge was launched.

There is one of the most significant Civil War monuments I've ever seen, the Virginia monument to Lee and the army of northern Virginia. This tract, this area of the battlefield has the same kind of historical significance as Seminary Ridge does at Gettysburg.

An illustrious son of one of the more illustrious figures in the history of the United States Senate lost his life as a result of Longstreet's attack from the Williams Center area across what is the road area there now and the Long Chin Ridge, the son of Daniel Webster, who was a lieutenant colonel commanding a Massachusetts regiment, who was killed in the attack that was launched from the Williams Center area.

Let me conclude by saying that I think this issue is indeed of great importance to the people of Prince William County. It is of great importance to the people of Virginia. It is of importance to the northern Virginia suburban area and to the United States Congress, but more than that, it is important to all of the American people because this is a significant part of our national heritage, not just our Virginia heritage or our Washington heritage. What was at stake in the Civil War and at Second Manassas and in the Williams Center tract was the very fate of the nation, and the structure of what that nation would be after the Civil War, whether it would be one country or two, would it be a nation with slavery or without slavery. That part of our heritage can best be understood by studying it and Civil War battles, in my opinion, can best be studied by going to the battlefields, walking them as I've gone to this one several times, bicycling over them as I've tried to do in the midst of the traffic that we've heard about today. I would have liked an opportunity in the past when I've been here to go on the property that is part of the Williams Center tract to go on Stuart's Hill so that I could see from that height the large part of the battlefield, to go where Longstreet's troops were, and to try to understand why Fitzjohn Porter could not attack across there. That has not been my opportunity in the past, but I hope that as a result of Congressional action it will be my opportunity in the future.

Senator BUMPERS. Dr. McPherson, if everyone doesn't go out and buy your book after that, then they just ain't listening.

Mr. PRITCHARD.

STATEMENT OF PAUL PRITCHARD, PRESIDENT, NATIONAL PARKS AND CONVERSATION ASSOCIATION

Mr. PRITCHARD. Thank you, Mr. Chairman. It's an honor to be here and to hear the comments of those who talked and made excellent comments before me. I will not try in any way to compete in any sense with what the quality of the information you have, but rather to focus if I might, rather, in all my testimony in responding to some of the questions that have been raised today with the hope that that might clarify some issues and also hope us move to quick action.

Let me first commend the committee members and also in particular Senator Warner who I've walked with on this property, who has been there and personally taken an issue—an interest in this issue so many times that it is inspiring to know that he is trying to find a solution for this, and we all are grateful to you, Senator, for your personal involvement in this.

It seems to me that basically what we have is five very complex issues, issues that though, as we've studied them, have come to the conclusion that H.R. 4526 is the only solution, a solution which combines two pieces, two pieces, first the legislative taking of the entire tract, which we think is crucial, and, secondly, the solution to the transportation problem.

Let me be specific about those five issues. The first is on the historicity of the entire tract itself. I cannot say anything more than what has just been said. The analogy with Seminary Ridge is to me, I think, an excellent and appropriate comparison. State officials from the state of Virginia, the National Parks Service's historic staff, 14 prominent Civil War historians whose letters you've received have all expressed support for the importance of protecting this entire area. We think that there has been and will continue to be a detailed recognition of the reasons, and that is in our testimony.

But one issue that has not been addressed here today that I would like to specifically highlight is that approximately 75 percent of the existing park, Mr. Chairman, is dedicated to really First Manassas. Only about 25 percent recognizes the importance of what has just been stated as the importance of Second Manassas. The property in question today, the Williams tract, deals largely with that issue and we believe this is an important consideration and why the entire area should be protected.

Let me say also it is not a question of acreage. It is a question of sacred ground an irreplaceable statement that we are concerned about that we and our children and others continue to learn from.

On the second issue, the cost of the legislative taking, there are really only two facts we know of: that two years ago the property was bought for $10 million and that the current assessed value is $13 million. We realize there are many other points of concern and so forth, but those are the only two facts. And, of course, fast action will help us keep that cost at a minimum to the American taxpayer, again, though we would argue that it is important to protect the entire tract.

And may I say also that as Senator Warner mentioned in a letter in 1984 to Senator McClure, he felt and we felt that a compromise had been achieved even though we had argued during that time that the Williams tract should be included in that. His letter, I think, was an excellent statement, though, on the efforts of all of us to try and resolve this and the recognition that we had all come to that we would have to accept a low level, shall we say, commercial and office space in that location. No one at that time had any indication of what is now being proposed on that tract, and certainly the county in no way seemed to indicate or know it itself.

We accepted the compromise. Today that compromise is not there, and we think that is an important point that should be raised as you have queried the previous testimony.

Regarding the third issue of this development activity causing irreparable damage to the tract, it's our understanding that only approximately 8 percent of the tract has been damaged. We are, of course, distressed and very concerned by this damage and hope that it would not have happened. The Park Service, of course, has been known for restoring landscape and historic structures and the fabric that is important to that statement, and we believe that in the long term this can be restored, but we think it is important to note that at this point we're only aware of 8 percent of the tract that has been damaged by the development.

On the fourth issue how much of the area is important, I can refer back to the previous comments. Let me refer, though, to the testimony that has been stated about the visual impact analysis done by the Park Service. This study was severely flawed for two very significant reasons. First of all, the visual impact was only evaluated from one site on the entire property. It was not evaluated from various sites, important sites that should have been considered. And, secondly, it was based upon the assumption that this area would be covered with a coniferous forest, that is a year round forest, and that is not at all the case. The forest that is natural in the climate and the vegetation in this area would, in fact, be the deciduous forest, and, therefore, the developments proposed would be very severe in their visual impact in this area. And so that visual impact study is of very little value at all. And we believe in supporting or helping you address this very important issue.

We also think some of the issues today about the cost are, of course, addressed in terms of the way in dealing with the legislative taking, but we believe that of course the final issue is the importance of a national strategy to deal with important areas across the country, and we know you're very sensitive and concerned about this issue, and I will not try and deal with that. I think though that George Will made an excellent statement about the importance of natural patrimony as he called it. He said it, "is in fact is the nation's responsibility to take care of areas such as this that are, in fact, of national patrimony."

Let me say in conclusion, sir, that as a Vietnam veteran that I have often thought to myself what is it that I owe my country and what is it that my country owes to me. I believe that those of us who have fought in wars have offered to make an ultimate sacrifice which we are willing to do. I believe that there are many answers to the question of what the nation owes to us, but one which I believe all of us feel very sincerely is that the nation should at least care about the sacrifice that other soldiers have made in this in their battles. Sir, I believe that today to trivialize this issue in the sense of the value of the cost alone would be, in fact, an insult to those who fought at Manassas and those who fought in every other battle, and I would hope that we would in fact not deal with what was called—we don't have the money for promises that we've already made. The nation has made in fact many promises one of which I believe is to care for areas like this for those who offered to die for their country. Thank you, sir.

[The prepared statement of Mr. Pritchard follows:]

STATEMENT OF PAUL PRITCHARD
PRESIDENT
NATIONAL PARKS AND CONSERVATION ASSOCIATION

Before the
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
On H.R. 4526 (MANASSAS NATIONAL BATTLEFIELD)

September 8, 1988

My name is Paul Pritchard, President of the National Parks and Conservation Association, a nonprofit membership organization founded nearly 70 years ago. Through our organizations diverse activities, we seek to promote the preservation, protection and public understanding of our nation's National Park System.

Our Association appreciates the opportunity to testify today on H.R. 4526, legislation which seeks to provide for the long term preservation and protection of the Manassas National Battlefield Park. We commend you Mr. Chairman, Senator Warner and the members of this subcommittee, for conducting this hearing in an effort to address the complex issues surrounding the development of the proposed William Center tract which we believe threatens the historic integrity of the Manassas National Battlefield Park.

We hope that from what you learn here today, you will reach the same conclusion that the House of Representatives did after conducting exhaustive hearings on this issue a short time ago---that a "legislative taking" of the entire property and solving the complex transportation problems in the vicinity of the park, will best protect this national treasure. We believe the House acted responsibly and demonstrated a commitment to preserving the American heritage when they passed this bill with overwhelming bi-partisan support (307 to 98). We support enactment of the major provisions of H.R. 4526 as passed by the House of Representatives.

Mr. Chairman, as a result of the Manassas controversy, over the last five months there has been an unprecedented "coming together" of diverse factions. Over twenty national organizations representing conservationists, historic preservationists and veteran organizations have "rallied behind the Virginians" (the Save the Battlefield Coalition) and established the National Heritage Coalition.

The National Heritage Coalition's first goal is to protect Manassas battlefield. That is why we are here today. Secondly, through a joint partnership of NPCA and the National Trust for Historic Preservation, our organizations are spearheading a major effort to work toward enactment of comprehensive legislation that will address the myriad threats that confront our National Parks and historic places---threats similar to that posed at the

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Manassas National Battlefield Park. We realize, as surely you do also, that the battle now being fought at Manassas, raises a much broader issue with nationwide ramifications: the impact of local land use decisions on federally protected natural and cultural resources.

While our two organizations are constructively trying to address the issue this administration has been derelict in addressing it. Let me provide you with an example Mr. Chairman.

Back in the 96th Congress the House of Representatives requested a thorough review be conducted of the boundaries of all historical units of the National Park System. The report requested that "the National Park Service conduct a thorough and professional review of all units of the nation's park system which are primarily historic in nature, to determine in a concerted effort whether further boundary adjustments are likely to be warranted to adequately protect and depict each unit's historical scene and to properly buffer the area's resources for appropriate present and future visitor use and appreciation" (see Report 96-570 House of Representatives, 96th Congress, 1st Session; attached). The report and its findings were to be submitted to the Congress by January 1 1981. The National Park Service requested an extension to December 31, 1981. Then on January 23, 1981 James Watt, the new Secretary of the Interior took office. As you may recall, his first words relating to the National Park System were "not another acre, not another acre". The report requested by the House was never completed.

Mr Chairman, we are all here today, because of this administrations short sightedness in dealing constructively with the problem of insufficient boundaries for our nation's national parks. Perhaps if Secretary Watt and his successor Secretary Hodel had acted responsibly nearly a decade ago by complying with a congressional request, we would not be here today. But unfortunately, we are.

There are five key issues that need to be addressed here today. First, the issue of the historicity of the property; in our testimony we will briefly review the historic significance of the William Center tract and will put to rest the false notion that preservationists supposedly "didn't object" to the omission of the William Center tract in the boundary revision act of 1980. Second, we will address the issue of the cost of purchasing and preserving this parcel of our heritage and show why a "legislative taking" in this unique situation is justified and warranted. Third, with Til Hazel's bulldozers working round the clock scarring the land, we will seek to answer the question of what the current impact of development on the property is and whether it is of such devastating magnitude that the integrity of the battlefield is now irrevocably lost. Fourth, we will address the issue of just how much of the parcel needs to be preserved in order to protect the historic integrity of the park and its viewshed. And finally, we will examine what decisive action Congress can take to avoid fighting future battlefield preservation battles such as is currently raging over the Manassas Battlefield Park.

Issue #1 Historicity. There should be no question of the historic significance of this parcel of land to the battle of Second Manassas. Members of this committee no doubt have received copies of historian John Hennessy's 15 page synopsis of the significance of the William Center Tract and its relationship to the battle of Manassas. You should also have the "Analysis of Historic Significance" prepared by the Commonwealth of Virginia's Department of Conservation and Historic Resources which states, "In our judgement the tract is an integral part of a nationally significant historic site...it is not so much a question of how many men died on these lands, or how many are buried here; what happened here decided the battle." And finally, you should now be in possession of a letter signed by fourteen of this nation's most prominent Civil War historians, including the former Chief Historian of the National Park Service, attesting to the significance of this specific tract of land.

In report after report beginning in the 1930's the National Park Service history professionals found the entire tract (not merely a portion of it) "nationally significant" and have recommended its inclusion within the park boundary. For example, in 1977 when this same parcel was under consideration by the Marriott corporation for a planned theme park and commercial development, the Director of the National Park Service William Whalen stated "we continue to feel the inclusion of this property is crucial for the future protection and management of the park resources." Yes Mr. Chairman, "crucial". Why?

This tract includes the headquarters of General Lee as well as the staging area for a massive assault by 30,000 crack Confederate troops (three time the number of men engaged in the famous "Picketts charge" at Gettysburg) who swept the union forces from the field (an area some historians suggest is of equal significance to the battle action of Manassas as was Seminary Ridge at Gettysburg). On this land are historic archeological resources including several field hospitals where thousands of the casualties of three days of fighting were treated. On this land there may be the remains of soldiers who were not reburied in national cemeteries a century. But in addition, this parcel is "crucial" to meet the legislative and interpretive mandate that established the Manassas National Battlefield in 1940.

This park was established to preserve and interpret both the battles of First and Second Manassas. But of the 4520 acres comprising the battlefield, over 75% of the land base is associated with the First Battle of Manassas, 50% associated with both battles and less than 25% is associated exclusively with the second Battle of Manassas. In addition to the William Center tract the area known as the Stony Ridge is also significant to the battle of Second Manassas but this area is also not designated within the park's legislative boundary. Therefore with nearly 50% of the Second Manassas battlefield not currently preserved within the National Park boundary, there is a need to preserve additional lands upon which Second Manassas was fought, in order to adequately commemorate and educate the visiting public about the sacrifices of the Americans who fought there.

Placing a residential development and a huge 1.2 million square foot regional shopping mall on these lands would dishonor the memory of the men who fought and died during Second Manassas; the mall would also devastate the historic scene of the park and create transportation problems of such magnitude that visitor safety would be jeopardized and visitor understanding of the sites significance would be severely diminished.

In 1980, Congress adopted the "Manassas Battlefield Park Amendment Act" which set the current boundary of Manassas, a boundary that unfortunately excluded the two most significant parcels associated with Second Manassas---the William Center tract and the Stony Ridge area. It has been alleged that when the amendments to the boundary were made in 1980, "nobody objected to the omission of the William Center parcel" in the parks official boundary. Mr. Chairman, that statement is simply false.

Originally there was a proposal for a Disneylandesque amusement park on this tract. National preservation organizations including the Civil War Roundtable Associates and National Parks and Conservation Association as well as local community organizations successfully fought this proposal. After years of discussing various boundary options for the park, the question of whether to preserve the William Center tract came down to a matter of Congressional land acquisition priorities and available federal dollars. At no time was there any question about the significance of the Brawner Farm, Stony Ridge or the Marriott (i.e. William Center) tract. But the county vigorously lobbied against inclusion of this tract in the park's official boundary as the tract was viewed as the "centerpiece" for the county's plan for economic development.

As Senator Warner's letter of March 23, 1984 to Senator McClure states, "The Manassas Park legislation was a compromise that was a result of much time and effort on the part of those involved in the issue." Some of us with an interest in the boundary expansion, reluctantly accepted the compromise while others outright opposed it. NPCA agreed to the congressional "compromise" on the basis of assurances made by the local government that the interests of the national park would be protected. Today these interests are not being protected.

Issue #2 The Cost of a Legislative Taking

This bill provides for a "legislative taking" of the 542 acres of land which comprises the William Center site. This provision of the bill is of key importance. Due to the immediacy of the threat to the battlefield the regular appropriation process is not a viable option here at Manassas. If Congress does not act to preserve this land now, this portion of the battlefield will be lost forever. Til Hazel's bulldozers won't wait for Congress to act next year or in ten years; they are destroying this battlefield as we speak here today.

The question before you today is not whether a "legislative taking" is warranted, but rather---is this land worth acquiring as part of the national park or is it not? If you feel it is an important part of our nation's proud heritage, passage of this bill will ensure that this part of history is preserved for posterity. And if you chose not to act, the nation will forever lose a significant portion of the battlefield. During the floor debates in the House of Representative last month I was impressed with Representative Gingrich eloquent statement of the case: "If we pass this bill, for the rest of our lives and the lives of our children and grandchildren we will be able to point to that site and that battlefield and say we saved part of American history for all the future. It is that simple."

Since this property clearly is of "national significance" the government should use the special Treasury department fund---The Claims and Judgement Fund---which has been established specifically to pay claims against the United States government. Money to acquire this land should not come out of the National Park Service acquisition budget and acquisition should not affect any other National Park Service acquisition project either currently underway or in the future.

In addition though, I would like to mention that there is the 6 billion dollars in the Land and Water Conservation Fund (LWCF) and 1.5 billion in the Historic Preservation Fund (HPF), monies supposedly dedicated for parkland preservation. By drilling offshore oil wells thus depleting one resource (ie offshore oil) the government has elected to replace it with another national resource---parklands. The money in the LWCF is specifically set aside by law can and could if necessary be tapped to pay for this parcel. But by opposing H.R. 4526 this administration seeks to continue divert these monies away from worthy preservation and conservation projects such as Manassas, the Tallgrass Prairie, and the 42 priority acquisition projects identified by the National Park Service.

It has been suggested that the cost to acquire the William Center tract may approach the combined spending by this administration for parklands over a period of three years. This statement does not demonstrate that the price of the land is excessively high, but rather only establishes this administration's abysmal record when it comes to spending any money in the 6 billion dollar LWCF which is set aside specifically for acquisition.

I've heard inflated figures of an acquisition cost of this property, estimates reaching 100 million or more. Such figures are purely speculative. What facts are they based on? We know of only two hard facts regarding the price of this land---the price the developer paid for the land two years ago---under ten million---and the current assessed value of the land today---slightly over 13 million. We believe the cost of acquisition within this price range is not excessive in relationship to other Federal spending activities.

One cannot ignore the financial impact a legislative taking will have on Prince William County. I am fully aware of the fiscal limitations placed on Prince William County by the restrictive laws of the State of Virginia which make it difficult for a local government to engage in responsible land use planning or raise sufficient tax revenue to finance necessary public services for its residents. During the series of Interior "compromise proposal meetings" we attended, we were impressed Prince William County's planning staffs professional abilities, their desire to be mindful of our heritage, and their frustrations with state law that prevents local government from acting in its best interest by setting parameters for balanced growth and development.

Let me cite some statistics. In nearby Loudoun County, a 1984 planning staff analysis demonstrated that for every tax dollar received from the residential sector, an expenditure of of $1.21 to $1.25 was needed to provide needed services. This establishes that there is no economic benefit to the county to continue expanding the number of residential units in the county. Provided the situation in Prince William County roughly mirrors the plight of Loudoun County there is no tax benefit to continue constructing the residential component of the William Center tract. Indeed construction of these houses will simply add to the existing financial drain on limited local government financial resources.

By contrast the same study of Loudoun county showed that for every tax dollar received from the industrial and commercial sector, an expenditure on services requires only 32 cents, and if a parcel of land was set aside for agricultural purposes, only 7 cents in services is required. It is evident then that the county government is justified in seeking to encourage well planned commercial and industrial development in order to diversify the tax base to finance the most basic public services. But the fact of the matter is there are other available areas in Prince William county that a new regional mall can be placed that will not have a detrimental impact on a national park.

The only reason this mall has been located here at the Manassas battlefield is that this is where the developer owns property. But in the greater Washington D.C. area there are at least ten other regional malls, including the highly publicized "Tyson Corners II, the Landmark Center in Alexandria, the Fair Oaks Mall (located a mere eight miles away from the proposed William Center Mall), and Prince William County's own Potomac Mills Mall and Manassas Mall which is located less than three miles from the proposed Til Hazel project. There are also four fairly large strip shopping centers, two of them between Sudley road and the battlefield that could be enlarged to expand the tax base. Residents of Prince William county have the greatest selection of retail shopping centers of any community in the world.

There is some evidence to suggest the construction of the William Center Mall will have a negative effect on the local economy. In a recent Washington Post article at least one northern Virginia developer concluded that what the industry calls "overstoring" (a saturation of the retail space market) soon will be reached in northern Virginia (see attached). If that happens, the next battle in Prince William county might "well be for market share and retail tenants to fill a space glut".

We believe the problem of developing a diversified tax base is largely a county and state issue, not a Federal one. But in this case the federal government does have a role to play as there is a nationally significant resource that needs protection. We support provision in this legislation which seeks to make a sizable Federal contribution toward the elimination of a serious regional transportation problem in northern Virginia. Because the primary threat to the national park resources is the inadequate transportation system through and around the park, we fully support the provision in this bill to invest federal dollars to help solve this serious regional transportation problem.

Issue #3 Has the Existing development to the William Center Tract caused Irreversible damage?

Over the last couple of months the developer has pushed this project forward with remarkable speed. Bulldozers have cut roads through portions of the property and cement trucks have poured drainage culverts. The residential component of this development is underway.

The damage already done to this precious landscape is appalling. The developer has been working his bulldozers day and night, has ignored federal permit requirements, and has filled in wetlands illegally. While the landscape can be reclaimed, what cannot be reclaimed are the remains of American patriots whose graves may have been disturbed by the racking blades of the bulldozers. While it is unlikely that there are large numbers of human remains buried in any concentrated numbers on the tract, there well may be human remains are present on the William Center tract. Some may already have been disturbed.

Some months ago preservationists offered to provide an archeologist, at no cost to the developer, to walk alongside the bulldozers as they scrape the roads and dig foundations (a provision required by law in many states to insure the non-disturbance and appropriate repatriation of human remains) in order to assure that if any remains of American veterans were unearthed, the remains could be reburied with dignity. The offer was refused. Mr Chairman, I am amazed at the insensitivity of this developer. He has ignored the sincere concerns of preservation and veteran organizations who wish to see the remains of Americans who gave their lives in defense of their county treated with dignity and respect.

To date it is estimated that about 1/8 of the property has been scarred. Unless Congress acts with deliberate speed, much more of the property will need to be reclaimed. While the National Park Service is experienced in restoring such landscapes, the longer Congress waits to act the higher the cost will be to restore the landscape to its 1862 appearance.

Issue Four: How much of the property needs to be preserved to protect the historic viewshed of the existing park?
In the developer's original site plan for development of this site, he had situated the mall on Stuart Hill, site of the headquarters of General Robert E. Lee. Interior officials negotiated what they termed a "compromise proposal" that moved the mall to lower ground. And in a brochure mailed to all the residents of Prince William County the developer stated "at the request of the Park Service, Hazel Peterson has agreed to virtually eliminate the visual impact of the shopping mall by moving its location to lower ground."

Even though the developer has now reneged on the Interior compromise proposal to relocate the mall to lower ground and has once again placed the mall atop Stuart Hill, we do not agree with the Interior Department's conclusion that "no visual impact" would result from the mall development if it were moved to lower ground.

Much publicity has been given to a "visual impact analysis study" prepared at the request of the National Park Service that reportedly minimizes the visual impact of the mall and office development from key viewspots on the battlefield. Based on this study the Secretary stated that the mall can be placed on the property without having a detrimental visual impact on the rest of the historic battlefield. This is an erroneous conclusion.

The NPS study was based on a view from only one location on the Brawner Farm; it failed to assess the impact of the mall from other key historic viewshed locations. Second, the study's conclusion is based on the false assumption that there is a year round forest cover. But the trees on the battlefield are largely deciduous not coniferous, therefore the mall and office development would plainly be visible through the trees from the battlefield in fall, winter and early spring.

We support the acquisition of the entire William Center parcel and call for its inclusion within the national park boundary. If the developer is allowed to construct the mall over 80,000 cars a day will travel the roads surrounding the battlefield. Up to 4,000 cars alone will sit in the mall parking lot in plain view of national battlefield park visitors.

If only the land atop Stuart Hill is added to the National Park, as suggested by some here today, visitors will have the unique opportunity to view from the highest promontory in the area, a sea of residential houses, a giant parking lot and scores of office buildings, and far in the distance the remnants of a national battlefield. As Congressman Andrews has stated, "This will be a unique shopping mall. It will be the first one in our country that has its own historic observation post where...if you misplace your car, you can go to the observation post and find it."

Issue Five: The Need for a National Strategy

The second objective of the National Heritage Coalition is to strive toward creating a national strategy that will protect our national parks and historic places. Manassas illustrates the need for federal legislation that balances the rights of private property owners, the needs of local government with the national governments obligation to preserve our national parks and historic places for future generations. We cannot continue to address the issues raised in the Manassas controversy on a case by case basis in the halls of Congress each time urban encroachment threatens a battlefield---encroachment that now threatens the integrity of national battlefield parks at Gettysburg, Richmond, Fredericksburg/Spottsylvania and Harpers Ferry to name but a few.

We support enactment of legislation that provides a broad framework for problem identification and dispute resolution---where a "partnership approach" to historic preservation could lay out on the table the potential conflicting federal, state, municipal and private interests. Together these interests can be analyzed and the participants can work jointly for a solution to the potential threats to our national heritage.

Here at Manassas, the Interior Secretary's "compromise proposal" was a colossal failure. While we have supported the concept of a 234 bypass for years, Interior's solution to the transportation issue would cost the Federal government an excess of 500 million dollars alone to widen Interstate 66. We need to study the various transportation options available as provided in HR. 4526. Now that the developer has again relocated the mall atop Stuart Hill we must conclude that the Interior's attempts to reach a compromise on this issue has failed. It is now up to Congress to act to preserve the historic integrity of Manassas National Battlefield.

In light of the failure of the Interior department to advance any rational solution to the threat to the Manassas park, in this instance we reiterate our support for a "legislative taking" of the entire parcel. Such an approach is justified only when all practical and timely solutions have been exhausted and when a property is so imminently threatened that such a taking becomes the best and most feasible solution. This is the case at Manassas.

Mr Chairman, columnist George Will in a recent Newsweek article wrote, "The protection of places that are part of our national patrimony is the responsibility of national, not local government". We believe this bill is a fair and honest approach that has been carefully crafted to address in a comprehensive manner the issues raised by the National Park Service, the members of the National Heritage Coalition, and local citizen groups. This bill protects the interests of all the parties including the owner. Only through its speedy passage by the Senate will the Manassas National Battlefield Park be preserved for future generations.

Thank you. I would be glad to answer any question you may have.

96th Congress } HOUSE OF REPRESENTATIVES { Report
1st Session } { No. 96–570

PROVIDING FOR THE ESTABLISHMENT OF THE LEGIONVILLE NATIONAL HISTORIC SITE IN THE STATE OF PENNSYLVANIA, AND FOR OTHER PURPOSES

October 29, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Udall, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 4308]

[Including cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4308) to provide for the establishment of the Legionville National Historic Site in the State of Pennsylvania, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, before line 3, insert "TITLE I".
Page 1, line 3, before "That," insert "Sec. 101.".
Page 2, line 8, delete "Sec. 2." and insert "Sec. 102.".
Page 2, line 18, delete "Sec. 3." and insert "Sec. 103.".
Page 2, line 23, delete "Sec. 4." and insert "Sec. 104.".
Page 2, after line 25, insert the following:

TITLE II

Sec. 201. The Act entitled "An Act to authorize the Secretary of the Interior to establish the Valley Forge National Historical Park in the Commonwealth of Pennsylvania, and for other purposes", approved July 4, 1976 (90 Stat. 796), is amended (1) in subsection 2(a) by changing "dated February 1976, and numbered VF-91,000," to "dated June 1979,

OVERSIGHT STATEMENT

H.R. 4308 is intended to authorize a new unit of the national park system, and to make boundary adjustments to an existing historical park. No recommendations have been received by the committee pursuant to rule X, clause 2(b)(2).

In its report (No. 95–389) on a bill in the 95th Congress to expand the boundaries of the Manassas National Battlefield Park, the committee expressed concern over various visitor recreational and National Park Service management activities which were occurring within the various historical units of the national park system and which may be threatening the historical integrity of those units. Along with committee staff investigation, the National Park Service has conducted a survey and analysis of this matter and has submitted preliminary materials to the committee, with a final report of its findings to be submitted late in 1979. The Committee wants and expects the National Park Service to promptly conclude this review and report so the committee can consider the findings for any follow-up action it may wish to take.

The chairman and ranking minority member of the Subcommittee on National Parks and Insular Affairs are also concerned about the frequency with which boundary adjustments need to be considered for many of the historical theme units of the national park system, particularly as conflicting adverse use pressures from adjacent lands growingly impinge upon the parks' historical integrity. Also, many existing boundaries were never originally located to adequately protect important and integral parts of the historical scene, as subsequent historical research and findings have often revealed new information from that earlier known. When boundary adjustments proposing new land acquisitions are made late and on the eve of proposals for those same lands to be used for other purposes, the use conflicts and acquisition costs are often highly escalated, with compromises often necessarily resulting which produce less than adequate adjusted boundaries for proper protection of historical integrity. Consequently, these two members request that the National Park Service conduct a thorough and professional nationwide review of all units of the national park system which are primarily historic in nature, to determine in a concerted effort whether further boundary adjustments are likely to be warranted to adequately protect and depict each unit's historical scene and to properly buffer the area's resources for appropriate present and future visitor use and appreciation. Needed boundary adjustments should be mapped and supported with detailed rationale for their acquisition or deletion, along with general estimates of current land values. This review should be conducted by a team composed principally of professional historians knowledgable of the task. The above members would like to receive the results of such survey by no later than January 1, 1981.

On another matter, there are currently about nine different nomenclature designations for national park system units which principally protect historical themes and resources. There appears to be no apparent rationale for so many different designations, and the consistency of application appears somewhat questionable. The chair-

RUDOLPH A. PYATT JR.

Case of the Disappearing Manassas Mall

A 900,000-square-foot regional mall just doesn't disappear. But Manassas Mall in Prince William County has become something of a nonentity in the flap over a plan by the Hazel/Peterson Companies to build William Center, a major mixed-use project that will include a 1.2 million-square-foot regional shopping mall, adjacent to Manassas Battlefield Park.

Manassas Mall? What is that? A figment of someone's imagination? That's no laughing matter at Interstate Properties, the Paramus, N.J., owner of Manassas Mall, which is on Rte. 234 (Sudley Road) just outside Manassas. Take Interstate Properties' vice president of operations, William J. Parkins, for instance. How is it possible, Parkins wonders, that there is virtually no mention of Manassas Mall in the controversy over the proposal to build a regional mall at William Center?

Harkins' incredulity is understandable. It's as if Manassas Mall doesn't exist. Neither opponents nor proponents of a new shopping complex at William Center have publicly acknowledged the existence of a regional mall in Manassas.

Not only has there been a Manassas Mall since 1972, but, Parkins assures us, "it's a top-notch, first-class mall." What's more, he added pointedly, Manassas Mall is less than three miles from the William Center site "as the crow flies" and about five miles by car. Both the battlefield and Manassas Mall are within 15 miles of Fair Oaks Mall in Fairfax County, which has been the focus of virtually all the speculation about competition for the proposed mall.

"The shopping center industry is proud of Manassas Mall, and we feel you will be when you see it," Parkins asserted in a letter prior to commenting on the mall controversy last week.

The industry's perception of Manassas Mall notwithstanding, it's what shoppers think that really counts. Convenience, service and selection generally are more important to them than pride in a shopping mall. They apparently made that much clear to Interstate Properties. After years of operating a small community mall, Interstate Properties decided to expand the center and "get into a more upscale mall," according to Parkins.

See PYATT, page 14

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PYATT, from page 3

The expansion and addition of upscale stores may appeal to shoppers in the Manassas area, but it's apparent that Prince William County's Board of Supervisors and the planning commission want something more—an additional 1 million square feet of retail space down the road and the cachet of a new mall, developed by Hazel/Peterson and owned by Edward J. DeBartolo Corp., the Ohio shopping center giant.

"What a lot of informed souls seem to be ignoring is the obvious," Parkins wrote. "Manassas already has a regional mall with some of the country's leading retailers: Sears, Leggett, Hecht's, Montgomery Ward, Britches, The Limited, etc.—nearly 100 stores in all."

He might have added to that list Benneton, Levi Strauss, Kay Jewelers, Waldenbooks and dozens of retailers that have outlets in most, if not all, of the regional malls in the Washington area. If it's Calvin Klein or Ralph Lauren that shoppers want, or a washing machine or sterling silver, chances are they can find at Manassas Mall. With almost 90 percent of the mall leased and a major expansion and renovation completed last November, Interstate Properties is negotiating with another leading department store chain, hoping to add a fifth and, perhaps, a sixth anchor tenant. There'll be a "surprise or two down the line," Parkins hinted.

They would have to be surprises, it seems, for Manassas Mall to achieve prominence as a regional mall. It's not even included on some maps identifying major shopping centers in the Washington area.

Not even preservationists who seek to block construction of William Center at the historic battlefield site have made the proximity of Manassas Mall an issue. But then the proposed mall at William Center would be only part of the project that would include office buildings, single-family residences and a hotel. Opponents want the entire project abandoned, so they aren't about to base their opposition on the shopping mall feature of the plan.

In a major campaign designed to counter opposition to the project, Hazel/Peterson contends that recent increases in property taxes, caused by the dramatic growth of population, demonstrate that the county needs planned commercial growth to reduce the residential tax burden. William Center is more than a mall, it insists, adding that it is a mixed-use community that will provide 7,000 jobs and generate $23 million in taxes annually. Without ever mentioning Manassas Mall in a brochure defending the William Center plan, Hazel/Peterson dismisses as "rhetoric" the argument that Prince William County doesn't need a mall.

"Nobody has said in all of this controversy, 'Hey guys, we have a first-class mall in Prince William County already,'" Parkins complained. "I can't visualize the need for another regional mall at this time within 15 or 20 miles for another 10 years. That's assuming that growth [in the county] continues at the present rate. When we heard about [the proposed mall at William Center] we said, 'What? Are you kidding? What the hell are they going to do with all these stores?' It boggles my mind what they're going to do with a mall this big."

Parkins obviously has a vested interest in the matter, and some might say he simply doesn't want to face competition from another regional so close to his. He dismisses the sour grapes theory, nevertheless, maintaining that no one—not even in the media—has bothered before now to point out that Manassas has a regional mall. Guilty as charged.

Of course there is a Manassas Mall. It's larger than at least 10 other regional malls in the Washington area, including White Flint Mall and Wheaton Plaza in Montgomery County, and Landmark Center in Alexandria.

Besides overlooking Manassas Mall, no one has bothered to point out that there are least four fairly large strip shopping centers—two of them relatively new—on Sudley Road between Manassas Mall and the battlefield. Indeed, the concentration of retail space near Manassas Battlefield Park could surpass that in four regional malls, if, indeed, it already hasn't.

There may indeed be demand for more retail facilities in Prince William County, given its population growth trend through the first half of this decade. That was a major attraction for developers of Potomac Mills Mall, the big discount shopping center near I-95 in the eastern part of the county. But population growth between 1985 and 1990 is not expected to be as rapid as in the period between 1980 and 1985. A forecast by the Metropolitan Washington Council of Governments (COG) shows population in the county will increase by 24,500, to 201,500, between 1985 and 1990, compared to population growth of 32,300 during the 1980-1985 period.

Even if COG's estimates prove wrong, the perceived demand for retail space in a limited area of the county could be misleading. And overestimating demand could lead to what the industry calls "overstoring," or saturation of a market. If that happens, the battle in Manassas might well be for market share and retail tenants to fill a space glut.

August 31, 1988

Hon. Dale Bumpers
United States Senator
SD 229 Dirksen Senate Office Building
Washington,D.C. 20510-0401

Dear Senator Bumpers:

The proposed 542-acre "William Center" development immediately adjacent to Manassas National Battlefield Park in Prince William County, Virginia, poses an unprecedented threat to one of this nation's most significant historic sites. The development, which includes a 1.2 million square-foot shopping mall, will consume critical sites associated with the Second Battle of Manassas and, with its attendant traffic, noise, and pollution, will destroy Manassas National Battlefield Park as we know it.

The William Center tract played a vital role in the Second Battle of Manassas. From his headquarters on this property, General Robert E. Lee, joined at times by Generals Thomas J. "Stonewall" Jackson, James Longstreet and J.E.B. Stuart, directed one of the South's most decisive victories, one that opened the way for the Confederacy's first invasion of the North. The tract also encompasses nearly one-fourth of the Confederate line during the battle. This portion of the Confederate line set the western dimension of the battlefield and severely limited the Federal's ability to maneuver successfully (hence the two episodes of fighting on the William Center tract). Moreover, it was from here on August 30, 1862 that James Longstreet launched his battle-winning counterattack--an attack that twice the size of "Pickett's Charge" at Gettysburg and far more successful. And it was on this property that during and after the battle, both North and South set up field hospitals to treat some of the nearly 15,000 men wounded during Second Manassas.

Just as disturbing as the loss of this historic ground is the impact this development will have on the adjacent National Park. Immediately across the road from the development is the Brawner Farm, where Wisconsin's and Indiana's "Iron Brigade" and Virginia's "Stonewall Brigade" opened the battle in bloody stalemate; there the development will impose mightily on a pristine, hallowed landscape. Traffic from the up-to 80,000 people per day who will visit the mall will choke the already hard-pressed roads through the park. And that traffic will breed noise, signs, lights and pollution that will impact virtually every inch of the battlefield. In short, the entire character of the battlefield will be changed. It will be sapped of its evocative and educational power.

We, the undersigned historians and scholars, strongly urge you to pursue acquisition of the William Center tract with all possible speed. Manassas Battlefield must be preserved. At the same time, we urge you to install the mechanisms needed to protect Manassas and our other national parks from future intrusive development, for without such action what is happening now at Manassas will merely foreshadow the fate of all our refuges of hallowed ground and natural beauty. The responsibility to preserve these places rests with this generation; the power to preserve them rests with you.

Sincerely,

Manassas Battlefield - page 2

James M. McPherson
Dr. James M. McPherson
Edwards Professor of American History
Princeton University
Author, Battle Cry of Freedom

Emory M. Thomas
Emory M. Thomas, Ph.D.
Professor of History
University of Georgia
Author, The Life of J.E.B Stuart

Harry W. Pfanz
Dr. Harry W. Pfanz
Former Chief Historian, NPS
Author, Gettysburg: The Second Day

Gary W. Gallagher
Dr. Gary W. Gallagher
Professor of History
Pennsylvania State University
Author, Stephen Dodson Ramseur

William C. Davis
Exec. Editor, Historical Times
Author, Battle at Bull Run

William A. Frassanito
William A. Frassanito
Historian, Gettysburg, PA
Author, Gettysburg: A Journey in Time

Richard J. Sommers
Dr. Richard J. Sommers
Chief Archivist-Historian
Military History Institute
Author, Richmond Redeemed

James I. Robertson, Jr.
Dr. James I. Robertson
C.P. Miles Professor of History
Virginia Tech
Author, General A.P. Hill

Russell F. Weigley
Russell F. Weigley, Ph.D.
Distinguished University Professor
Temple University
Author, Eisenhower's Lieutenants

Richard M. McMurry
Richard M. McMurry, Ph.D.
Professor of History
North Carolina State University
Author, John Bell Hood

Stephen W. Sears
Stephen W. Sears
Historian, Norwalk, CT
Author, George B. McClellan

Alan T. Nolan
Chair, Board of Trustees
Indiana Historical Society
Author, The Iron Brigade

Robert K. Krick
Robert K. Krick
Historian, Fredericksburg, VA
Author, Lee's Colonels

John J. Hennessy
John J. Hennessy
Former Historian, Manassas NBP
Author, Second Battle of Manassas

Senator **Bumpers.** Gentlemen and Ms. Snyder, I regret we are going to have to take another break for seven or eight minutes to vote. We will try to be back as soon as we can.

[Recess.]

Senator **Bumpers.** The committee will come to order.

The last witness on this panel is Mr. J. Jackson Walter of the National Trust for Historic Preservation.

Mr. Walter, thank you for waiting.

STATEMENT OF J. JACKSON WALTER, PRESIDENT, NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. **Walter** Mr. Chairman, I will be very brief.

Thank you very much for holding these hearings. This is clearly a difficult one. Each new witness seems to peel back another piece of the onion, and it gets more complicated rather than less. We at the National Trust are enormously grateful to you and to your staff for having expedited this hearing. I know that it's been awkward for everyone, but you've done a superb job and thank you.

You know, if there were legislated protections for endangered heritage sites, we could today be negotiating a settlement to this thing in accordance with some kind of a stand down court order that might parallel a Taft-Hartley order, and a federal court could say to the parties, in exactly this setting: You all go off and settle this, subject to the jurisdiction of the court.

But, in fact, there is no such protection legislation for endangered heritage sites. There is no provision for a cooling off period. And, as you and Senator Warner and others have said today, time is really of the essence both in terms of what is happening at the Williams Center site and what is happening with your own schedule here in the Congress.

It seems to me that the central, if you will, the controlling principle here has to be what Senator Warner had identified as the third competing interest; that is, the obligation of the federal legislative and executive branches to preserve the historic and scenic integrity of the Manassas National Battlefield Park. Given the time urgency and the federal government's obligation, we now face what has to be thought of as a last gasp, almost worst case, very unattractive option of a legislative taking but, as others have said, there seems to be in the set of tricks and tools available to us, nothing short of that.

I would like if I might to quote Professor McPherson's predecessor as the nation's leading scholar of the Civil War, Bruce Catton, who 15 years ago here before this committee was urging the inclusion of this site within the Manassas National Battlefield Park. He said parks like this one are of profound importance. They are not obtrusive tourist traps clamoring for attention baited by the arts of honky-tonk. They are just quiet bits of land preserving the memory of scenes where heroic men of north and south displayed a bravery, a devotion and a capacity to self-sacrifice that still have power to move us. By visiting these places we commune with great men from a great past. The present is better because of this, and the future is more secure. These parks are among our noblest national possessions.

The Nation Trust is 215,000 members across the country. Judging by the outpouring of support and interest that they have exhibited to me as the president of the trust, it is quite clear that this issue has vaulted now to the top of the list of national historic preservation issues.

Simply let me close by pledging an eagerness on the part of the trust to work with you and with Senator Warner and the other members of the Congress and the other members of this committee to try to preserve the national interest that is at the Williams Center site at Manassas National Battlefield Park. I think that over the course of the next few days we probably all have a lot of work ahead of us. We are ready to try to help you in every we way we possibly can. Thank you, Mr. Chairman.

[The prepared statement of Mr. Walter follows:]

National Trust for Historic Preservation

TESTIMONY OF J. JACKSON WALTER
PRESIDENT OF THE

NATIONAL TRUST FOR HISTORIC PRESERVATION

BEFORE THE

SUBCOMMITTEE OF NATIONAL PARKS, PUBLIC LANDS, AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ON H.R. 4526
LEGISLATION TO EXPAND THE MANASSAS NATIONAL BATTLEFIELD PARK

SEPTEMBER 8, 1988

Mr. Chairman, members of the subcommittee, on behalf of the more than 215,000 members of the Congressionally-chartered National Trust for Historic Preservation, let me express my appreciation for the opportunity to appear before you today on a matter that has engaged the nation's interest as few historic preservation issues ever. The protection of the Manassas National Battlefield Park, the object of H.R. 4526, is a top priority of our members.

Given the enormous volume of legislative business before the Committee and the Congress this month, we are especially grateful to Chairman Bumpers for agreeing to schedule this hearing We urge you to approve legislation swiftly in order to forestall the destruction of the historic Manassas/Bull Run battlefield that continues even as the Committee meets today. We support H.R. 4526, as passed by the House of Representatives on June 10 by an overwhelming 307-98 vote, as a necessary and appropriate emergency response to a national emergency.

National Support for a Nationally Significant Resource

Eight years ago, the Subcommittee, under the leadership of Chairman Dale Bumpers, approved legislation that expanded significantly this park's boundaries to encompass critical sites associated with the battles of First and Second Manassas (Bull Run). Sponsored by Senator John Warner, this legislation has aided the public's ability to understand that the pastoral fields near Manassas, Virginia, by the stream known as Bull Run, were once the scene of two of the most critical battles in our nation's history.

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What this Committee accomplished then, and what other dedicated elected and appointed officials as well as private citizens have worked for since the park's creation, is now endangered. We believe that the proposal to construct a massive regional shopping mall, office and residential complex at William Center is a direct threat to the integrity of the existing Manassas National Battlefield Park and would forever destroy the nation's ability to preserve a complete historical picture of the battles at Manassas.

We say this following extensive study and consultation with all affected parties. And we say this on behalf of the tens of thousands of our members and the general public who have taken the time to contact us and the Congress to express their outrage over the prospect of irreparable damage to this national shrine. We are prepared to supply the Committee with editorials, letters and petitions that attest to the breadth of concern from every state in the nation. This is not simply a local issue. It has touched a deep core of concern for the integrity of our shared heritage as Americans.

I have just recently had the opportunity to review Senator John Warner's statement on the Manassas controversy. As a long term defender of the integrity of the Manassas National Battlefield Park and the nation's heritage, the Senator's views on this matter merit careful attention. We find the Senator's proposal to be thoughtful and worthy of very careful and supportive review by the Committee. We are eager to work with him to resolve this critical controversy.

Impact of Development on the Park

The William Center proposal is both an immediate and long term danger to the Manassas National Battlefield Park. By placing a massive regional shopping mall on Stuart's Hill, the highest prominence of the site, the development would present a jarring visual intrusion into the existing park. Even if the mall itself is moved to lower grounds, National Park Service studies indicate that office construction that would replace the mall on Stuart's Hill would be visible from the Brawner Farm.

Traffic congestion from the development would add to the massive traffic problems that already exist at the park. William Center would have a principal exit on Route 29, directly across from the national park. On weekends, two lane Routes 29 and 234, providing the primary visitor access to the park, would be clogged with mall traffic. While direct access to Route I-66 would undoubtedly relieve some traffic from the park, construction of a cloverleaf at the mall is far from guaranteed and the developer has promised to proceed with construction of the mall even in the absence of direct access to I-66.

These impacts, taken together, would degrade significantly the overall visitor experience at the park. In 1992, park visitors would wait in sale day traffic for the chance to turn into a parking lot at the Brawner Farm. Once there, they would look out over a parade of cars on the historic Warrenton Turnpike (now Route 29). On that road General Stonewall Jackson attacked the Union Division that was to become known as the Iron Brigade to begin the battle of Second Manassas. Looking across the Turnpike, visitors would see clearly either office buildings or a shopping mall especially when the leaves have fallen from the trees along Route 29.

Past 1992 we can only speculate on the nature of development on this parcel. We understand that additional density could be approved after the year 2000 and that height limits on the site are not permanently binding. The Secretary of the Interior and the National Park Service are on record objecting to the impact of this development. To date, however, nothing has been done to eliminate or alleviate these impacts.

Impact of Development on the Battlefield Outside the Park

Not only would the William Center development cause permanent harm to the existing park, but it would also despoil significant sites that should be made part of the National Park.

The National Trust, like the National Park Service, is charged by the Congress with the duty of preserving the tangible remains of our past to teach future generations about the times and people that shaped their lives. That already difficult job is made all the more difficult when we lose forever portions of a historic place that are integral to its story. That is what the National Park Service will face at Manassas if we fail to preserve the essential character of the William Center site.

On Stuart's Hill, General Robert E. Lee planned and executed the strategy that led to his greatest tactical victory of the War, opening the way to invasion of the North. Without the acquisition of this headquarters site and the protection of the vistas along Route 29 he had in 1862, the story of his role at Second Manassas cannot be adequately appreciated by both historians and the American people.

East of the Hill, General James Longstreet formed up and launched his sweeping counterattack on the Union line that won the battle of Second Manassas for the Confederacy. Former park historian John Hennessy describes this charge as General Lee's most decisive attack of the entire War. If development covers the woods and fields of Longstreet's charge, visitors in an age of aerial observation and satellite reconnaissance would be denied an understanding of why the Union army did not know the position of Longstreet's line, just hundreds of feet away.

Finally, on this site, both Union and Confederate forces set up field hospitals to treat the wounded and dying. Without the preservation of this land, the tales of the grisly open air operating tables, desperate cries of the wounded, and heroism of medical personnel can only be told in textbooks and not to visitors walking the hallowed grounds itself.

Fifteen years ago, the late historian Bruce Caton, author of A Stillness at Appomatox and five other volumes on the Civil War, told a House of Representatives committee that the loss of what is now the William Center parcel

> ... would make it forever impossible to complete the Battlefield Park by bringing in the land covered in the second of the two battles which the park is supposed to commemorate.[1]

Caton concluded that "[e]ventually this ground ... ought to be included in the National Memorial Battlefield Park."

As late as June of 1977, as the Congress was considering legislation to expand the park, the National Park Service advocated the inclusion of the William Center parcel in the national park through acquisition. Then Director of the National Park Service William Whalen wrote that

> ... we continue to feel that the inclusion of this property is crucial for the future protection and management of the park resources.
>
> By acquiring this property at a cost of $5,000,000 we will be able to expand the park to its logical boundaries.(emphasis added)[2]

The Commonwealth of Virginia's Division of Historic Landmarks has called the tract "an integral part of a nationally significant historic site..." and concluded that

> The historic activities that occurred on and to the south of the William Center tract cannot be understood fully in isolation from the historic

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[1] Testimony before the Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, U.S. House of Representatives, April 3, 1973.

[2] Memorandum from William Whalen, Director, National Park Service, through Richard J. Myshak, for the Assistant Secretary for Fish and Wildlife and Parks, to the Legislative Counsel, June 23, 1977.

> activities on the adjacent park land, nor can what happened on the park lands be appreciated in isolation from what happened on and to the south of the William Center tract.[3]

And today, the Committee has received a letter from eighteen eminent Civil War historians testifying to the importance of this site in the interpretation of Second Manassas.

In summary, Mr. Chairman, this site is not merely, as some contend, "next to" the battlefield, it is a significant and integral part of the battlefield. As such, it merits protection.

Immediate Congressional Action is Required

As Chairman Bumpers observed in a recent Senate debate, it is indeed unfortunate that the nation did not acquire this site when the park was expanded in 1980. As the Committee knows, this site was not the subject of legislation at that time. In 1980, the site, then known as the Marriott tract, was still zoned agricultural and the Marriott Corporation had abandoned its controversial plans for a theme park.

The 1980 legislation was a compromise crafted to guarantee inclusion of the Brawner Farm into the park. Advocates of that acquisition recognized that Prince William County, then as now, would oppose the acquisition of the William Center site because of its prime development potential. While all parties recognized that, without federal acquisition, commercial development on the site was inevitable, the County had assured the National Park Service and the local citizen groups that development on the site would occur in a manner that respected the historic integrity of the park.

In 1980, no one discussed the possibility of locating a massive shopping mall on this site. At the time of the announcement of the William Center mall early this year, Director William Mott wrote the County that "[t]his enormous shopping center .. does not fall within -- does not even resemble -- the good faith agreements we thought had been made."[4]

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[3] William Center Tract in Prince William County: Analysis of Historic Significance, Commonwealth of Virginia, Department of Conservation and Historic Resources, Division of Historic Landmarks, August 5, 1988.

[4] Letter from William Penn Mott, Jr., Director,
(Footnote Continued)

Although the nation unfortunately did not guarantee the protection of the existing park and the William Center tract in 1980, it can and must do so now. Only this Congress can halt the bulldozers and begin the process of incorporating the William Center tract into the national park. Unless action is taken this year, the construction of a massive shopping mall, parking facilities, office buildings and subdivisions will forever mar the integrity of the existing park and destroy significant parts of the battlefield. Construction is already proceeding at a rapid pace making swift action imperative.

Review of H.R. 4526

Because of both the significance of this site and the impact of the William Center proposal on the existing national park, we support H.R. 4526 as a necessary, appropriate and last-gasp response to an emergency situation.

An emergency such as this merits extraordinary action. Therefore, we support the pending legislation's use of a legislative taking to bring about immediate federal ownership of the parcel. This mechanism will minimize the destruction to the site by stopping construction immediately.

We also support the legislation's steps to alleviate the traffic problems that are already degrading the park. We applaud Secretary of the Interior Donald Hodel and the National Park Service for focusing attention on this critical need. H.R. 4526 contains a mechanism for achieving consensus on transportation alternatives that will minimize the impact of traffic on park visitors.

Finally, we endorse the legislation's call for cooperative planning to protect important vistas from the national park. We recommend that the Committee consider strengthening this section of the bill by requiring the National Park Service to prepare a visual analysis of the key park vistas that need protection. We also recommend that the legislation authorize the National Park Service to accept the donation of full or partial interests in land that can facilitate the goal of vista protection.

(Footnote Continued)
National Park Service to Kathleen K. Seefeldt, Chairman, Board of Supervisors, Prince William County, February 5, 1988.

Costs and Benefits

Much has been said and much has been made about the cost of this legislation. The land was purchased for less than $10 million in 1986. It is currently assessed by Prince William County at less than $14 million. Even allowing for property value growth, the quotation of estimates of up to $100 million appear unreasonable and is not based on anything but self serving conjecture of preservation opponents.

The truth is that the ultimate cost of acquiring the William Center tract is unknown. All that is certain is the cost of not enacting this legislation. It is a cost described most eloquently by historian Bruce Caton, when he told the Congress in 1977 that

> Parks like this one are of profound importance. They are no obtrusive tourist traps clamoring for attention, baited by the arts of honky-tonk; they are just quiet bits of land preserving the memory of scenes where heroic men of north and south displayed a bravery, a devotion and a capacity for self sacrifice that still have power to move us. By visiting these places we commune with great men from a great past; the present is better because of this and the future is more secure. These parks are among our noblest national possessions.[5]

Manassas as a Warning, not a Precedent

Of course, Mr. Chairman, the Manassas battlefield is not alone in facing development pressures that threaten its integrity. National parks and National Historic Landmarks throughout the nation are similarly threatened and, like the Manassas battlefield, they are unprotected by current law.

The National Trust has identified a list of the nation's eleven most endangered historic places. Fully intending to limit our list to ten, we could not narrow it further. In fact, it could quite easily have been extended to 111. These eleven, including the Manassas battlefield, were selected to illustrate the need to provide greater protection for our heritage. A copy of this list is attached.

We can neither afford to protect all these parks and historic places through federal purchases nor would acquisition be good public policy in all cases. At the same time, we cannot allow uncontrolled development to compromise their integrity.

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[5] Testimony before the Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, U.S. House of Representatives, April 3, 1973.

New mechanisms are required to renew an ethic of national stewardship that puts emphasis on protecting heritage sites through a partnership between all levels of government. Local governments alone cannot be expected to have the interests, resources and perspective necessary to protect nationally significant heritage places. Had an effective partnership existed at the Manassas battlefield, we might not face the crisis we address today at Manassas.

Together with our colleagues at the National Parks and Conservation Association, the National Trust has formed the National Heritage Coalition. Dozens of natural and cultural conservation groups concerned with the threat to the Manassas battlefield and other national heritage assets have joined the Coalition.

The National Trust and our partners in the National Heritage Coalition look forward to working with the Committee to develop and pass comprehensive legislation that will create sufficient legal authority to protect our national parks and National Historic Landmarks from threats that come from within and beyond their boundaries. In addition, the National Trust supports the passage of an American Heritage Trust to support the acquisition of those places that merit preservation and inclusion in the national park system.

Conclusion

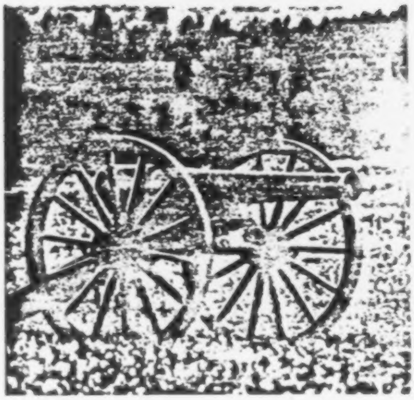
We urge the Committee, therefore, to act immediately to protect the Manassas battlefield. We are eager to work with you, Mr. Chairman, as well as Senators John Warner and Paul Trible, to resolve this most critical issue.

In addition, we urge the Committee to schedule hearings, at the earliest opportunity in the next Congress, on a comprehensive legislative proposal to ensure that the nation will be better prepared to deal with current and future threats to our heritage such as that at the Manassas battlefield.

Only with action to preserve Manassas and to address comprehensively protection for national parks and historic sites can the nation confirm its commitment to passing on our natural and historic legacy to future generations.

Thank you very much for this opportunity to appear before you today.

The 11 Most Endangered Historic Places



Antietam National Battlefield Park, Washington County, Md., site of the bloodiest single engagement in the Civil War, is threatened by nearby development.

Cedar Creek Battlefield and Belle Grove Plantation, Middletown, Va., where Gen. Philip Sheridan won Union control of the Shenandoah Valley, could be surrounded by eight 10-acre industrial parks.

Custer Battlefield National Monument and Reno-Benteen Battlefield Memorial, Big Horn County, Mont., site of the 1876 Battle of the Little Bighorn, could be overshadowed by development on adjacent private property.

Columbus Landing Site, St. Croix, V.I., where Christopher Columbus fought with Carib Indians on his second voyage, faces intrusive recreational and residential development.

Manassas National Battlefield Park, Prince William County, Va., site of two significant Civil War battles, may be compromised by the construction of a shopping mall on part of the battlefield.

Old Deerfield Historic Distict, Deerfield, Mass., scene of the Deerfield Massacre of 1704 and a landmark of colonial America, faces a 100-acre commercial development within a three-minute drive.

Old Kaskaskia Village, La Salle County, Ill., the best-documented historic Indian site in the Illinois River Valley, is threatened with residential and commercial development.

Snee Farm, Charleston, S.C., home to U.S. Constitution signer Charles Pinckney, could become the centerpiece of a new subdivision.

Vieux Carre Historic District, New Orleans, La. The distinctive character of the French Quarter could be compromised by a huge new aquarium and city park complex.

Waterford Historic District, Loudoun County, Va., a remarkably intact early 19th-century village may be marred by a housing development within the district.

West Mesa Petroglyphs, Albuquerque, N.M. More than 15,000 ancient Pueblo stone carvings could be destroyed by development and vandalism.

National Trust for Historic Preservation

Senator **Bumpers**. Mr. Walter, the House bill that it goes without saying it's going to be very difficult to pass in the Senate. You can tell from the some of the sentiments expressed here today where the opposition will be, and the budget constraints are indeed difficult. And so it is necessary, despite the fact that I will make every effort to pass that bill here, it—I think it would be judicious on our part to also think about possible fallback positions.

Have you had an opportunity to look over in any detail at all Senator Warner's proposal?

Mr. **Walter**. To look over. I wouldn't want to say to look over in great detail, Mr. Chairman. I'm certainly familiar with the provisions of Senator Warner's proposal in broad outline. I must admit that I get a little bit confused about the concept plan versus the pieces of that, how the concept plan fits with what the Senator has proposed in terms of a taking of Stuart Hill and a buffer zone along 29. I'm not trying to be difficult about it. I simply don't know how those pieces really fit together and certainly will make it my business too, but I haven't had the opportunity to do so between its release and right now.

Senator **Bumpers**. Dr. McPherson, would you be kind enough to take this map right here and put it up on the easel and let me ask you two or three questions. I take it that you are very familiar with the site that we're talking about here and everything, and one of the things about Senator Warner's—and I think that map down there might be the best one to use. If there's a better one——

Senator **Warner**. We have a better one, Mr. Chairman. Don't we have a large Williams Tract?

And while we're getting that, I share your view. If you knew how hard I've tried to get a definition of this piece, that it has been floating along, you would be sympathetic.

Mr. **Walter**. I think I do have some idea, Senator, and I know that to be true.

Senator **Bumpers**. Dr. McPherson, maybe you will have to refer to both maps but, first of all, you alluded to the fact that soldiers, you thought several soldiers, I don't know how many, were buried on this tract. Do you have any information you could share with us as to why you conclude that there are people still buried there that have not been reinterred?

Dr. **McPherson**. Well, as I understand it, the Hazel/Peterson people did a survey of the site, and they have identified—correct me someone here who has that——

Senator **Bumpers**. Well, they testify next, and we can go into it with them next.

Dr. **McPherson** [continuing]. 166 burials that they know of. I've read carefully John Henessy's memorandum on this. There were two field hospitals, a large one here at this farm house.

Senator **Bumpers**. Could you just hold the microphone in your hand there. It's a bit clumsy.

Dr. **McPherson**. The other one is the Lewis house here. These were both Confederate field houses here. There is documentary evidence that there are some archeological evidence of the field hospital here. We know from the experience of field hospitals in the Civil War that a number of the seriously wounded men were given medical care there died of their wounds in the course of the days after the battle, and it was almost universally the practice for those men to be buried on site because the armies were moving and they didn't have time to move the bodies elsewhere and there were no national military cemeteries yet established for either Union or Confederacy.

After the war most of the Union war dead were disinterred and reinterred in national cemeteries like that at Gettysburg. Many Confederate dead were also reinterred at cemeteries throughout the South, some of them, in fact, probably right here. But there is little or no record of the disinterment and reinterment of men anywhere from on this property. Yet we know that almost surely some of those men who died in the field hospitals were buried right here, and there is documented evidence that 166 were buried on this property. And so it is almost certain in my mind and in the minds of others who have looked at this, that there were military burials on this property, and we have no evidence that most of these men were ever reinterred elsewhere.

Senator BUMPERS. Now, the next question is I had understood and I'm sure you heard me make the statement this morning, and I need to be corrected on it—I had understood that just looking at this map here of the park and the Williams Center, the one that is not on the easel here, Dr. McPherson—and put that one up on the easel for just a moment and we can kind of shift them back and forth. I had understood that Longstreet—when Longstreet came up to the battle site or to this area that he not necessarily camped, but he held his troops on a line from just north of what's now—well, what was then the Warrenton Pike, that he had a line running north and south there from north of the Warrenton Pike all the way south across the center.

Dr. MCPHERSON. Basically right in through here.

Senator BUMPERS. That's exactly my understanding. Now, that brings me to my question on Senator Warner's proposal that if there is historical significance to whatever General Longstreet did there, it covers the entire tract and not just a buffer and maybe I should address this to Senator Warner, but I'm wondering what significance a line along the south side of Highway 29 there would have so far as Longstreet's presence there.

Dr. MCPHERSON. Perhaps Senator Warner should respond to that, but over a two-day period, as you can well imagine, troops were shifted around a lot in this area to correspond to the tactical situation. On the night of August 29th–30th, Hood's division—a brigade in Hood's division made a reconnaissance in force along the highway.

Senator BUMPERS. Was that the forced reconnaissance that Longstreet—was he under Longstreet, Hood?

Dr. MCPHERSON. Yes, it was.

Senator BUMPERS. Was that part of what they say—the forced reconnaissance that was made by Longstreet, was that Hood that did that?

Dr. MCPHERSON. That is correct.

Senator BUMPERS. And there's some skirmishes on this site?

Dr. MCPHERSON. That is correct. And on the morning of August 29th John Reynolds' division of mostly Pennsylvania troops skirmished across this area, too, at that time. Longstreet's troops had not yet come up, but a couple of Confederate advance regiments, skirmishers were there, and they met Reynolds' troops and blocked them from going any farther. And there was another skirmish there later in that same day.

As I say, I think the most significant part of this property on the 29th was the presence of Longstreet's whole army corps there which prevented Fitzjohn Porter from carrying out Pope's orders to attack Jackson's right, which was a crucial aspect of—not only of that battle, but of this what some have called the American Dreyfus affair, the court-martial of Fitzjohn Porter and in the subsequent winter and the case that went on for 20 years was focused on events right there.

Senator BUMPERS. Is there a record of that court-martial?

Dr. MCPHERSON. Yes, there is. Actually, there were several hearings and rehearings of it. The court-martial itself took place in December 1862 and January 1863. When he was convicted, he was cashiered from the army and several times after the war he tried for a rehearing and eventually, based upon Confederate officers' testimony, including Longstreet's, was restored retroactively to his rank.

Senator WARNER. Mr. Chairman, if I might draw the point, and we're certainly privileged to have you here, I journeyed out to the site with my good Chairman, and he had your book in his lap the whole flight, and he pointed his finger to me and said the next time you get a copy of this before I allow you to be in my hearing, and so I got the book, too. [Laughter.]

But put your finger along that pike there, the Warrenton Pike.

Dr. MCPHERSON. This is the Warrenton Pike.

Senator WARNER. The reason I put this buffer zone in there is on the advice of historians that that was the martialling point for that famous movement that he later executed, isn't that correct?

Dr. MCPHERSON. Lee's headquarters were, of course, right here on Stuart's Hill and——

Senator WARNER. My bill preserves that.

Dr. MCPHERSON [continuing]. This house here is also on that tract, but Longstreet's corps consisted of 30,000 men, and they were lined up in division front, and that was—the troops here north of the Warrenton Turnpike did not participate in that assault. Most of the troops that participated in that assault were here covering the entire front or nearly the entire front of the Williams Center tract, and some were actually south of Route 66 along here, and they covered the front of more than a mile.

Senator WARNER. The Chairman's question goes to really a pragmatic conservation of the situation. We frankly—certainly I don't and I don't think any other member, and I say that respectfully, knows what disposition the Senate is going to take or not take. And I did my very best in a general way to outline how I felt. There were certain portions of this which prioritized into taking under the 160-some odd acres.

Is there any way that you think if the Senate is compelled in its judgment to try and subdivide this in terms of what it takes under legislative undertaking and what it may then deal with under some presumably legislative language which would just permit the mall, that being the central part of the proposal which denigrates allegedly the rest of the park? Is there any formula that we might follow? And we really need your advice in trying to subdivide the property. Does it lend itself, in your judgment?

Dr. McPHERSON. Well, I cannot give you an immediate answer to that. And my immediate answer would have to be that it does not lend itself to neat division into more important and less important parts, especially so far as the disposition of Longstreet's corps is concerned.

If you talk about specifics like where Lee's headquarters were, where the largest of the Confederate field hospitals were, yes, those are two areas that would be part of the park under your proposal. But I don't think there's any way to slice or carve up the disposition of Longstreet's troops during 36 hours of that battle.

Senator WARNER. Well, as someone else pointed out, Longstreet marched a long distance before he got here, so his corps was in other places in Virginia. It then went forward, and you could really draw the trail as he pursued in hot pursuit on into Washington and portions of that. And so, at some point, we've got to strike a balance between those portions of Virginia that have been traversed and used and fought over and those portions which are still available for some type of use other than national park. I mean, that is what we're struggling to resolve.

Dr. McPHERSON. I understand that, and I think I would return here to my analogy with Seminary Ridge at Gettysburg. You could say the same thing about Longstreet or Lee's whole army or the Union army in Pennsylvania. There were many parts of it that they marked over. There were many areas near Gettysburg where they were camped or where they were deployed, but the analogy to the Williams Center tract is Seminary Ridge from which Pickett's assault was launched. And historians and the public and the Park Service and I think all of us here regard that as a major part of the Gettysburg National Military Park, and I think that this is equally an important part of the Manassas National Battlefield Park.

Senator WARNER. I would just close with this observation. Having worked on this 1979, 1980, and then following through in 1981, we simply did not have this type of documentation brought to the attention of the Senate. The record doesn't reflect that, Mr. Chairman.

Senator BUMPERS. You are right. You are certainly right on that.

Senator WARNER. I'm not suggesting any particular person is at fault or organization is at fault or the Senate is at fault, but the fact of the matter is the record is cold by and large on much of the history that we are now learning from you and others who have testified here today.

Senator BUMPERS. Dr. McPherson, before you go, at one point probably I think it was on maybe the 29th—incidentally, where did Longstreet come from?

Dr. McPHERSON. He came through Thoroughfare Gap in the Bull Run Mountains, west here about 12 miles, I think.

Senator BUMPERS. About 12 miles west?

Dr. McPHERSON. I think it's about that far, eight to 12 miles.

Senator BUMPERS. That's where the Union goofed and he fought his way through there without much trouble?

Dr. McPherson. Yes, that's a defensible pass through a low series of mountains, and there was some delaying action there, but it wasn't significant enough to stop him.

Senator Bumpers. Where did Jackson come from?

Dr. McPherson. They both come through the same route. Longstreet followed Jackson. Jackson was two days ahead of Longstreet.

Senator Bumpers. So Longstreet followed Jackson through the gap?

Dr. McPherson. Yes, but it was two days later. It was a different operation.

Senator Bumpers. And that maybe—I think it was on maybe the 29th—it could have been the 30th—it was probably the 29th that Jackson asked for help. Longstreet was behind the ridge with his troops, said no problem. So, he takes about 20 or 40 artillery pieces and delivers an enfillade against the flank, Pope's flank, is that correct?

Dr. McPherson. That is correct.

Senator Bumpers. Now, my question was where was that delivered from? Where was that artillery barrage from? Was that on the Brawner farm or was it on the Williams Center tract.

Dr. McPherson. As I understand it, most of that artillery was south of the Warrenton Turnpike, right in this general area. It was probably—I suspect it was on both sides of it. I would have to consult the maps.

Senator Bumpers. Please feel free. Do you know the answer to this question?

Senator Bumpers. Apparently the enfillade was very successful.

Dr. McPherson. There was a great deal of artillery on the high ground on Stewart Hill and also forward, where there is another elevation not as high as Stewart Hill but commanding position, up in this general area, through here.

And I think that there was a fair amount of artillery there that was engaged in that enfillading operation you talked about and another long range exchange of artillery fire during the 2 days.

Senator Bumpers. Well, Ms. Snyder, gentlemen, I want to thank you very much. I hope, Dr. McPherson, we have not caused you to miss a train. You are going to get home late.

Dr. McPherson. There are plenty of trains. They run every hour.

Senator Bumpers. Well, we are honored to have all of you with us. We thank you very much for your fine contribution to this hearing today.

Senator Warner. Mr. Chairman, I would just like to join with you on that and I have worked with them for many years on this and we commend Ms. Annie, as we refer to her, for your tenacious efforts.

Ms. Snyder. Well, we appreciate all the Senator has done.

Senator Bumpers. Well, Ms. Snyder, you have become legendary, particularly on this part, and we appreciate your efforts very much and certainly understand your emotion on it and I feel it myself.

Ms. Snyder. If there is anything further I can do, I do know the history of Manassas for the last 40 years intimately and so I will be glad to contribute any knowledge I have.

Senator **Bumpers**. Thank you all very much. Our last panel is Mr. John T. Hazel.

Senator **Warner**. Mr. Chairman, I wonder if I might just ask Mr. Boasberg one question here? He has by in large pro bono put an extraordinary amount of time on this and he is a private practitioner of law and has given of his time generously.

But I guess I am still searching for why, in 1979, 1980, 1981 timeframe, when Congress was acting, that this interesting body of history was not presented to the Senate. And indeed, the absence of that presentation may well have lead the developers, the county and others to precede as they have done.

Could you, in your research, explain why?

Mr. **Boasberg**. My name is Tersh Boasberg. I am the counsel for the Save the Battlefield Coalition. Despite your remarks, Senator, I am being paid in this capacity which is a fault of many lawyers, as you know. I might say everyone else is working on a pro bono capacity.

I can only say that as you well know, the park has a history. It was formed in 1940. It was expanded again in 1956 and again in 1980. In every master plan since 1935 drawn up by the Park Service, this tract was included.

As we all know, Congress cannot sometimes spend all of the money as the professionals would desire and each time and each year, Congress has made a concession. And I think, as Dr. Pritchard pointed out, when the park was originally formed in 1940 it was conceived pretty much as the first battle of Manassas.

That was what was being celebrated, and that was to the east of what you see there, where the word Pope is, is pretty much where the first battle was fought. And that is how the park started. And when it expanded in 1956, it also expanded to take in more territory around the first battle.

Then, in 1980, as a result of the Marriott tract, in 1973, that dispute and the hearings, you brought in many things where you put the easements over Bull Run. As you see there was property brought south of where Pope says there. There was property expanded to the Brawner farm. The deep cut was put in easement over there, where Jackson was, and you made a compromise.

There was a compromise made because then, as now, there was this fight over local jurisdiction and local tax revenues and the Congress made that compromise. During that time the professionals at the National Park Service had submitted, and I know Ann Loomis of your staff has this, a letter from the Director of the National Park Service in 1977, and he did specify these areas, including the William Center tract, and he did say at that time that this would complete the park.

Now we did not have the national furor, and I think the national furor was caused by the shopping mall. That is, as you have correctly pointed out, was the dramatic impetus to launching this national movement, and it was that notion of the shopping mall and the 85,000 cars a day which would absolutely deluge the park, which is what sparked it to get to a national scene.

Not every local issue can rise to a national scene, but I think the Congress did think about it and was recommended at all levels by the Park Service. We simply could not get it, in view of the——

Senator **Warner**. Well, as I go back to it there is a reference to it but there is not one percent of the passionate feeling that has been expressed at this hearing and previous hereto on this subject. I mean, we are responsive to the interests of all groups and the record just does not bare out the fervor with respect to this tract at that time.

Mr. **Boasberg**. And also it was a Faustian bargain.

Senator **Warner**. It frankly looked to me as if the county and the historical groups went over on the side and just sort of silently worked out a little arrangement and just did not wish to involve the Congress because it was a quiet understanding of what was going to be done with this land in the future.

And then, as time evolved, there was a plan to do pretty much what was agreed to at the time of the original legislation. And as you say, it was not until the mall was superimposed that this thing suddenly came to light. Is that about it?

Mr. **Boasberg**. Yes, sir.

Senator **Warner**. Well, now, is there a baseline back there somewhere in this legislative history, I mean the county legislative history, of where when the 1980 bill was put together in the Senate, really, agreed to by the House, that it was an understanding at that time, with the groups which you now represent and others, that some development was going to take place on this piece of ground; is that correct?

Mr. **Boasberg**. It was clear that the trade off for getting the Brawner properties——

Senator **Warner**. Now you are getting toward the tradeoff, but go ahead.

Mr. **Boasberg**. In order to get these other areas, that is, absolutely right and over the county's very severe opposition, it was decided that that was a compromise that would have to be made. And you were obviously very key on that in effecting the compromise. It was difficult at the time; I am sure you remember that there were polls and pushes from other directions. We wanted a little more property at Stony Ridge, too, where Jackson's corp is.

We wanted to have some limits on the Manassas Battlefield Park, because we did not want the height limits to go to a point where you could see it, and you can talk to the Park Superintendent, at those times when you can see the correspondence within the Park Service.

Obviously they wanted everything, but sometimes you just do not get everything. And so, you are right, that was the compromise in exchange for everything else, there would be development on the tract, but at the time.

And this is the statement that was read today. The county said the development would be not compromised. Those were the terms used by the then Supervisor Mr. King. It would not compromise the integrity of the Park. That was the promise that was given by the Supervisors and I think you all feel that that mall obviously does compromise the integrity of the park.

Senator **Warner**. Let us follow on. So that were trade off at that time. It was agreed by someone that we would not begin to involve the Senate in the Williams tract extensively, because it was an agreement between historians and the county.

Now, as time progressed and the County went to its rezoning procedures, were those public hearing and rezoning procedures within the framework of that compromise?

Mr. **Boasberg**. Yes. Yes, that is true.

Senator **Warner**. Now, that is the baseline that I am trying to get back to. And as soon as we can get a clear definition I would hope to include it in the legislative proposal. Is there some way to define what that, should we say, trade off/compromise was that lasted from 1983 to 1986?

Mr. **Boasberg**. I am sure we could work on that. I think since that time what has happened is that everyone has realized that certain parks, and hopefully all of that tract is obviously historic——

Senator **Warner**. I do not doubt that.

Mr. **Boasberg**. So as the Chairman says, if that is possible, to take the whole thing, obviously that would be desirable. You know, it is better to get half a loaf then no loaf at all.

And I think working with historians we can, if possible, if that is the only thing that will do, then I think we have to go along your route. Sure, you ask me if you would rather have no loaf or half a loaf, I would rather have half a loaf.

Senator **Warner**. What I am saying is that there was this compromise that existed from 1980 to 1986, and through the hearings by the County and so forth. Is there a likelihood we would not be here today if the shopping mall was not added at some point?

Mr. **Boasberg**. I do not think there is any question about that. You are absolutely right. It did not, I mean, there were protests, there were local organizations. I number of them did not sign off on the 1986 legislation. A number of the Civil War people did not.

The Park Service person felt that there was not enough buffer zone, and so forth and so on. But the fact of the matter is, it was grudgingly accepted and I think that was maybe, to use your term——

Senator **Warner**. And given the fact that for five years it had been stopped in the Senate, so there had to be some basis of compromise or we would still be here.

Mr. **Boasberg**. That is right and we would not have had the Brawner farm.

Senator **Warner**. Well, then it seems to me that individuals had a right to rely on that compromise. And it is that definition that I will continue to search for, to try and use as a predicate for such feature legislation.

Mr. **Boasberg**. Well, we certainly want to work with you, Senator. As you said before, I know you are open to the historian's suggestion as well, so let us hope we can do both.

Senator **Warner**. I thank the Chair for the indulgence.

Senator **Bumpers**. Dr. McPherson, just from where you are sitting, we have not spent any time on the first battle of Manassas today, except to say that most of it was east of this site.

Was there any activity on this site during the first battle that you knew of?

Dr. **McPherson**. I think there was some cavalry movements in this area, protecting the left flank, but that is all I know of.

Senator **Bumpers**. Thank you. And I thank you all again.

Our last panel is John T. Hazel, Principal, Hazel-Peterson Companies and Patricia Bradburn, President, Citizens Forum for Truth and Progress. And that is what we are looking for, truth and progress. [Laughter.]

Senator BUMPERS. Mr. Hazel, if you would please proceed.

STATEMENT OF JOHN T. HAZEL, PRINCIPAL, HAZEL-PETERSON COMPANIES, ACCOMPANIED BY ROBERT KELLY, VICE PRESIDENT FOR PUBLIC RELATIONS, HAZEL-PETERSON COMPANIES, AND GEORGE BAKER, ESQ, WILLIAMS AND JENSEN

Mr. HAZEL. Mr. Chairman, that's very kind of you, as one trial attorney to another, both now engaged in other occupations. I am heartened by your characterization of our situation as win-win, and that you would take the case. Because while we did not set out to——

Senator BUMPERS. I might even give up my Senate seat to take that case.

Mr. HAZEL. We might even give up the William Center if you would come out and take it.

Senator BUMPERS. I will tell you, I know this has been traumatic for you and I know some of the people you have representing you and you are in good hands. You would not have improved your lot any with me.

Mr. HAZEL. Well, I appreciate that now. While I was heartened by that comment, I was a little discouraged by the historian's comment that Longstreet and Jackson marched through Thoroughfare Gap, because just on the other side of Thoroughfare Gap and along that route march, we have farmed these 40 years and have enjoyed that land, and I am anticipating that that will be the next strike of the preservationists.

Senator BUMPERS. What do want for it? [Laughter.]

Mr. HAZEL. Well, it is getting higher by the minute. [Laughter.]

Let me explain a little bit about this. It is late in the day and I have been around the courtroom long enough to know the judge does not need a long speech, but there are a few things I would like to say.

Senator BUMPERS. Mr. Hazel, pull that up just a little closer, please.

Mr. HAZEL. Hazel-Peterson is we think a specialist in mixed use development, which is now a term of art in the national development business.

When Milt and I started out with this, 15, 18 years ago, we did not realize that it was a term of art. We just thought it was a proper way to plan large tracts and create their own residential, office, commercial and retail commercial communities, which would be desirable.

We have done several of these in Prince William County or in Fairfax County. The most recent and substantial is Fair Lakes, which is, really, it was a 1,300 acre project, has approximately six million feet of space and we are about to construct there a regional retail mall, as you may have read in the paper, which was part of the package that the County of Fairfax insisted we create there, even though we are adjacent, essentially, to the Fair Oaks Mall, which has 1,400,000 square feet and has just been expanded.

At Fair Lakes, we constructed at a cost in excess of $20 million, an interchange with 66. We have been trying for some time to respond to various invitations from Prince William County to transfer that kind of development to Prince William.

We had, frankly, not found an attractive site prior to the Marriott site becoming available to us, and we had not really felt that Prince William County had matured to the place where a major planned mixed use development would be feasible.

In 1985, we were offered the opportunity to acquire the Marriott tract. We did two things. We immediately reviewed with Prince William County's leadership what their feelings might be for a mixed use development of a Fair Lakes style.

And secondly we reviewed the history of the 1980 and prior hearings of this body in connection with the history of Manassas Battlefield Park. Because the last thing we wanted to do was to get the sticky paper from the battlefield issue which had gone on for, to my own knowledge, 15 years or so prior to that, all over us when it was our sole purpose to do a quality project, serve Prince William County and make a little money on the way.

We looked at the platte and that is an enlargement of one of the exhibits in the proceedings before this commission when you chaired it and Senator Warner participated in 1980. And not only did our tract not appear on it, but there were two major road locations for what was then referred to as the proposed 234 bypass.

One was exactly through Stewart's Hill or Stewart's Ridge, as I think is more rational, more appropriate, and the other was along the road that we have shown.

It is interesting, but very distinguished citizen of Prince William County called me just last night and said, you know I lived for 73 years in Prince William, I was born and raised there, I played on the battlefield, I walked on it; I'm a historian of significance and I never heard of Stewart's Hill until it became convenient three months ago for preservationists to identify that ridge as Stewart's Hill.

There you have a sort of a feel for where we are and why we are there. We were there because we relied upon the assurances of the Congress that that park had been established, and indeed there is a quote in the transcript somewhere that says, now the County and the landowners are free to do their thing with their property with the assurance that there will be no further involvement from the parks.

We set about to plan the property with sensitivity to the park problem. If you put the plan issue up and put the one up with the plan itself.

We commenced earlier in the 1986 addressing the park issue. We felt that there had to be a mix of residential because there literally was no activity in that area. We felt we had to have some residential component because you need some life around these projects, and obviously the residences that may be there have not been lively for some years. So, we also know that there had to be some major economic drive to the project, whether it be a major national headquarters complex such as TRW that we have at Fair Lakes or whether it be something in that nature of a regional mall.

We planned to put the residential adjacent to what we anticipated were the most sensitive areas which were in the northeast corner. We proposed the main road through the property as Williams Center Boulevard well to the south to keep that access away from the park to some extent, and since the tract is traversed by two 550,000 KV power lines, 160 foot towers running north and south and since the Stuart—now what we know as Stuart's Ridge was a very prominent site adjacent to the interchange proposal, and the furthest removed from the park, we assumed that that would be a desirable place to put the mall when the mall came about.

We commenced a rezoning in early 1986 without any knowledge of how the commercial uses would play out. We could identify and specify the residential, and that is why we did what we did on the 400 acres that was left after the residential was hashed out. All we could specify was nonresidential uses in the hope that we could find economic engines that would drive this development and make it possible for us to provide Prince William County for what they so badly needed.

As a result, when the case went to zoning after six months of discussions and indeed I have absolutely no knowledge of any approved plan in April of 1986 or any time prior thereto. What is, I think, being referred to is the first discussion draft of what probably were a dozen or more drafts that were circulated intensively throughout the county.

The actual negotiation process began to get serious as we approached the November hearing before the Board of Supervisors and the Planning Commission in October, and by that time we had been able to distill the various issues. We knew where the Park Service was on the buffers, we knew where the Park Service was on entrances, we knew where the Park Service was on height restrictions. We knew what the county wanted in the way of archeological studies, and we began to incorporate that into what in Virginia is known as a proffer, which is essentially a condition attached to the zoning. So that it was not until the fall of 1986 that all these things came together and the process began to move toward the zoning case.

These hearings were well attended, they were public before the Planning Commission and the Board. We made numerous visits to citizen groups and park groups to discuss the whole project. We did not at any time say we would do anything but what was permitted by right within the nonresidential district which was arranged from office to retail.

After the zoning was accomplished and mindful of the fact that this Gainesville area—and this is really Gainesville, not Manassas—is without a quality economic focus. Mindful of that, we were searching for the proper use to bring this area of western Prince William County into the forefront. And much to our surprise, because of the demographic situation that we did not correctly understand, we were approached by the major retail regional mall developer in the country—I think I'm correct—DeBartolo owns and operates more retail malls that any other developer.

Senator BUMPERS. Who is that?

Mr. HAZEL. DeBartolo, 100 million feet of retail mall has been developed by the DeBartolo Company.

When they first approached us, we were suspicious that this was simply a fishing trip, and it would end up raising our expectations and the county's expectations, and we told them to go back and do their research and come to us only if and when they found that this was a "go" deal.

They came back to us in the mid or late summer of I think 1987—yes, it must be 1987—and we commenced to planning for what eventually was presented on a site plan in January of 1988. We discussed that opportunity before that site plan was filed, and we filed a site plan submission with the location of the mall as it is shown on the plat before you.

The other footprint sites are illustrative only, and we were simply trying to describe during this past year how these things might work out with the mall there.

After this issue became a high profile national issue for a variety of reasons, which I don't think we benefit much by addressing, we went to the Secretary of the Interior and the Park Service to discuss this series of improvements.

Now, our original plan, the original plan we discussed with the Park Service, was as shown on this park sensitivity plan working toward an ultimate solution. And let me stop there and say a very important part of the Hazel-Peterson operation has been a desire and an insistence that difficult issues are solved in conference and at negotiating tables, and we think everybody wins. We set out to do that here. We said look, if you don't want the mall there, we will move it down 60 feet below the geodetic elevation at Stuart's Ridge against 66, increase the buffer strip, and continue to maintain an access point that minimizes the use of 29.

That was accepted in principle by the Secretary and before the conversation was barely over, we were faced with a denial of access to 66 in the Mrazek amendment and in the transportation bill which totally destroyed the opportunity to start the process of working with Route 29 and its future replacement.

We then let that percolate along, and the crisis, the uproar, as you know, generated to the place where the emotion has prevented for these past five or six months any constructive discussion with anybody.

About a month ago in anticipation of this hearing and thinking that we would make one last effort to resolve this as it should be resolved so that it would become a model of how these issues in park preservation and its relation with its neighbors could be resolved, we came with what we call Plan A. Plan A was our second major effort to resolve this, and what this did was relocate the mall, add residential. Despite the fact that Prince William has not signed off on this, we talked to them about it and said look, if commercial between Williams Center Boulevard and 29 is an offensive thing, we will put residential there. We will arrange to have 29 downgraded by the way, the intersection between 29 and Williams Center Boulevard would work, and we will by clustering these units create substantial acreage, 25 to 35 acres, which we will dedicate to the federal government or the county and the federal government without cost to anybody.

That plan has met with considerable acceptance in private conversations with all parties—well, I shouldn't say all parties because I have no contact point with any of the opponents—but with the Park Service, the Interior Department, I think with Prince William County. This plan met with some approval but, again, we found ourselves as the Secretary of Interior so aptly described it basically talking to the mirror.

There has been at no level throughout this arrangement any opportunity to negotiate with anybody that was really empowered or interested in negotiation, and when we were faced with a probability of a taking, we did what I think a good trial attorney would recognize is prudent, and that is we returned to the original established position and said you've got three options. We will work it out. Go away or bring money. And we are now at the bring money option because we see no way that we can negotiate this out at any forum as long as we are basically talking to the mirror. And that is unfortunately and with great disappointment to Milt Peterson and to me and to our organization where we found ourselves because we think, as Ms. Seefeldt so aptly described and as the Secretary of the Interior commented, that there is a win-win opportunity here that will go a long way toward resolving the various issues that will provide the basis for the eventual construction of the bypass roads without spending $100 million. And as far as I can see, everybody will come out with a piece of the win except the no growth group in Prince William County that for 25 years has thwarted all planning and all growth and all effective development in Prince William County and is today leading that charge here.

Now, our concern is that the federal taxpayer not pay for the no growth movement in Prince William County, and that is what it all boils down to. We stand ready to respond still, even though time is short to some rational arrangement that would resolve this problem. We do not think that an acquisition at this site resolves it. We do not think that provides any basis for the road program. We are of the opinion, and if I might take a minute to follow it through I feel like I'm back before the Board of Supervisors in Fairfax County talking about a zoning case. But if you will bear with me a moment, the way it seems to us that this would work out.

Pageland Road north of 29 is an existing two-lane road on a very good alignment with good pavement, far better than 234 through the park. We agree unequivocally and enthusiastically with the statement of the Park Service and Secretary Hodel that the major detriment to this park is the huge traffic volume and particularly the fact that it services quarries to the east and it's 50 percent stone trucks. That will continue and grow in volume by our interchange which we, the country and the state are in the process of building. It did not occur to us to come ask for funds from anybody because we know that you do these things yourself if you want them done, and we did it in Fairfax and we intended to assist the county in doing the same thing here that would help the opportunity to close 234 north of 29. It would also at least give a potential downgrading for the section of 29 west of the bypass. Frankly, to close 29 from Bull Run from Stonebridge to 234 and back to 66 is going to require some additional improvements because you can't cul de sac 29 in Prince William County.

Now, there's one other area I would like to address very briefly. We've heard, we've read in the paper—we've heard the allegations that this mall creates 80,000 cars a day. That is absolutely gross tommyrot, period. This mall and the 3 million feet of space in which the mall is included—we have 2.9 and some change million feet—is a low density—.2 FAR for those who are familiar with the floor area ratio concept, floor area to land area. This is about as low density as you can have and still have development. It is somewhere in the .2, .25 density. It is a 2.9 million foot project. The mall is part of that, and the traffic generation is essentially the same, in fact, as if it had all been built in office. In fact, in certain peak hours, which is the critical thing, there's less traffic from a mall than there is from an office.

There are approximately 15 days a year when most of the major impact on shopping centers occurs, usually on weekends and even that impact is modest as far as its increase.

Now, we are being compared and tarred with a brush from, I think, a thing called Potomac Mills, which is a discount mall down on the Route 1 corridor, about 25 miles from here which somebody said generated 80,000 cars a day on the day before Christmas or the day after Thanksgiving or whatever that peak moment occurs. But to suggest that this is an 80,000 traffic—80,000 car a day traffic generation is a gross distortion of traffic.

The simple facts are that traffic is not substantially different, whether we build a mall as part of this or whether we build the project in all offices.

Now, I have three concluding comments. First, Hazel-Peterson is deeply committed to support Prince William County. I have worked with many politicians at all levels in my 30-plus years in practice. And I've never seen a more committed, a more courageous board of supervisors and chairman or chairwoman than we have witnesses in Prince William County. That board has been pressed, beat upon, abused and vilified for most of the last 10 or 15 years over this park growth issue, and they have chosen to stand and fight and we expect to stand and fight with them.

Secondly, we intend to build a mall in this area. We do not intend to abandon this for a lot of reasons. I suppose there's a certain amount of Virginia routes that caused these guys 125 years ago to stand in that cut and fight that I inherited because I like many of them have some ancestors that were there. And I don't take kindly to the escalation of this issue.

As a fundraiser for national preservation groups to raise the image of their cause I guess the fact is when you mix a bulldozer and a battlefield and a mall, you come out with a sure, pat fundraiser.

I listened to the president of the National Trust say that 215,000 of his members were excited. Well, if you'd read what they received from the National Trust main office, you would have been excited too, because you would expect a stone house and Henry House to have been replaced with our mall, and so I can't really blame those 215,000 members for being excited.

And finally we stand ready as we have since the day this began to do what Hazel-Peterson does best, which is to work out difficult problems in land use in a prosperous growing area where land's use creates enormous stress. We understand that. We're trying to work with it, and we're prepared to do that here.

Now, there's one final thing. I would like to put the photograph up, and I do appreciate the indulgence. On that aerial photograph which was taken on September the 1st, you see outlined in red the 400 acres that Hazel-Peterson owns. The corner marked residential is 150 acres which is now owned by a group of builders primarily sponsored by a national listed concern known as Northern Virginia Homes. The commitment that we made to them 3 years ago, and we never owned that property. They bought this property. They owned it and they actually ended up for various reasons selling us this piece.

Senator **Warner**. Excuse me, Mr. Hazel. I'm not sure that I understand exactly the geography you're talking about. It's awfully hard with the reflection—there's a reflection off that cellophane.

Mr. **Hazel**. We have individual maps we will give each of you, but 66 is here at the bottom, 29 at the top, Groveton Road on the east, and the proposed bypass on the west.

The commitment that we have to Northern Virginia Homes and its stable of builders was to provide their site with sewer and water and road access so that they could open their project in September of 1988. When this started and at all time from the day we settled we never deviated from that schedule.

The construction was proposed to start in the spring of this past year. The plans were filed, some of them 2 years ago or a year and a half ago, and we did the construction that we were committed to do, and they have done their construction on their site, the roads that are not in the red area are their subdivision streets. They now have three houses under roof for their model home opening and 10 foundations in.

And there's one other thing, and I think I will end and conclude. The allegation has been made that we filed a plan for the mall on Stuart Hill on the 15th of August and that, again, is total misrepresentation although I'm sure based on some reading of the records. What happened in the processing of plans in the county, which is typical, there are various phases called submissions. First submission the county looks at it, makes corrections, comes back and then you file a second submission.

We filed the first submission for the mall on Stuart's Hill and a site plan in January. The county returned that as they are required to do by law within 60 days. When the 60 days was up, we asked for an extension to keep that plan alive is the word so that we could determine whether there was any likelihood that one of our compromise solutions would be accepted, and in that 60 or 70-day period we discussed with Secretary Hodel the move. But not one single other entity at the table so much as said we're interested. They all continued to do what they have done so well, which is raise the level of emotion and heat and reduce the illumination.

As a result, when we began to see that we might be faced with a taking and a good trial attorney in a condemnation business would realize, we wanted a certainty which is an improved plan on the location that you see and if you condemn it, bring money because that is a site plan that is well on the way to approval and has actually been approved in two phases in Prince William County and has also met the test of a suit filed in Prince William County seeking to deny us the right to use the land for these purposes. And the court ruled that we had a right to use it, and the county is in the process of finalizing the approvals, and that is why Stuart's Hill is the site of our mall.

I must say also incidentally that there are absolutely no wetlands or suspected wetlands on Stuart's Ridge. There are possible wetlands where we were going to build a lake down on the south side and if we're going to be hit with a wetlands issue, over 3 percent of the site, best that we stay on the hill and keep our socks dry.

I think I have covered just about all that seems to be relevant after listening to the last 6 months of emotion and the proceedings today, and I very much appreciate your indulgence.

[The prepared statement of Mr. Hazel follows:]

Testimony of John T. Hazel
on behalf of the Hazel-Peterson Companies

RE: The William Center
and
Manassas National Battlefield Park

Before the Senate Subcommittee
on Public Lands, National Parks & Forests

September 8, 1988

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INTRODUCTION

My name is John T. Hazel. I am a principal owner of the Hazel-Peterson Companies, a land development firm headquartered in Fairfax, Virginia. Hazel-Peterson is the developer of the William Center, a mixed residential and commercial project located on a 542 acre site adjacent to the Manassas Battlefield Park in Prince William County, Virginia.

My professional expertise and day-to-day experience is obviously not in the area of setting federal policy with regard to national parks. My background is in land development. Over the course of my legal and business career I have amassed considerable experience with the land development laws and policies of Virginia, and especially those of the counties which comprise Northern Virginia. Beyond the fact that the William Center project has required us to perform a great deal of historical research about that specific tract, I am also an earnest student of the Civil War, especially as it was fought in Virginia. I believe my professional experience, my historical research and my first-hand knowledge of Hazel-Peterson's involvement in the William Center project qualifies me to appear before this Subcommittee to speak with some authority on the central matter pertaining to today's hearing, that is, the construction of William Center and its relationship to the preservation of the Manassas Battlefield Park.

Despite the strong support for the William Center project within Prince William County, a group of local opponents of the project have succeeded in generating national adverse publicity in an effort to persuade Congress to stop its construction. Much of this publicity has been the result of emotional and hyperbolic rhetoric premised upon many statements which are either wholly untrue or at best misleading. We are well aware of the efforts by certain preservationist groups to prolong and intensify this controversy regardless of its public policy merits because of the potential for self-promotion and fundraising. We have seen their newsletters and solicitations. This "public relations" campaign advances the private agenda of these groups at the expense of our reputation, but no one with a command of the relevant facts would confuse the preservationists' distorted rhetoric with the truth. We very much appreciate this opportunity to provide the Subcommittee not only the facts about the William Center, but also our views in connection with the protection of the Manassas Battlefield Park, so that in exercising your responsibilities toward this issue your deliberations are fully informed.

Before discussing the various competing proposals that relate to the William Center and Manassas Battlefield Park, I would like to make some preliminary points very clear:

- First, Hazel-Peterson wants to build the William Center and we intend to do so. Hazel-Peterson is not interested whatsoever in having the property condemned by the federal government. The federal government had every opportunity to purchase this property before we purchased it in 1986. Since the date of our purchase we have made no secret of our intention to commercially develop the tract and we remain fully committed to that purpose.
- Second, while we certainly have a significant financial interest in the William Center, this project is also

> extremely important to Prince William County and its citizens. By providing a mixed-use community of single-family homes, office space, a hotel, and a retail mall facility, the project will provide 8,000 jobs and annually generate a very much needed $23 million in net taxes for schools, parks, roads and public services in the County.

I have organized our testimony into two major sections. Section I discusses various key factual issues pertaining to the William Center development, its zoning, and the tract of land on which it is located. The facts discussed in Section I formulate the background for Section II of this testimony, which summarizes our specific views with respect to: (i) the National Park Service's "working group" proposal to protect the Manassas Battlefield Park; (ii) H.R. 4526, the proposal recently passed by the House of Representatives to condemn the William Center tract by a "legislative taking", to encourage acquisition of scenic easements for the Park, and to construct the so-called "234 By-pass" in order to facilitate closing of the state roads which currently bisect the Park; and (iii) the amendment to the Senate and House FY-89 transportation appropriations bills, designed to block any "interchange" off of I-66 near the Manassas Battlefield Park.

SECTION I.

Key Facts Relating to the William Center and Preservation of the Manassas Battlefield Park.

There are certain key background issues about which this Subcommittee should be well-informed in order to fully and fairly evaluate the public policy issues surrounding the William Center and the protection of Manassas Battlefield Park. We have summarized these issues and the salient facts pertaining thereto below.

A. The size and nature of William Center and its retail shopping mall are reasonable and will not intrude on the integrity of the Battlefield Park.

William Center is a 542 acre tract zoned for mixed-use development, including 560 single family homes, an office complex, a shopping mall and a hotel. In contrast, the existing Manassas Battlefield Park consists of 4,500 acres. The William Center tract is not located within the existing Battlefield Park.

Eighty percent of the William Center project is dedicated to residential, office park, hotel and other "non-mall" commercial development, as well as various parks and open spaces for recreational use. The shopping mall portion of the project occupies less than 20 percent of the William Center tract. Contrary to our opposition's rhetoric, at 1.2 million square feet the William Center mall will not be Northern Virginia's largest mall; rather, it will only be about one-half the size of the well-known Tysons Corner mall.

Our mall will be subject to a 45-foot building height restriction and can be relocated from Stuart's Hill to a valley which is 60 feet lower in elevation and directly next to I-66. In this new location the mall would be approximately two miles from the center of the Manassas Battlefield Park and one-half mile outside the Park's closest boundary. This relocation will prevent seeing the mall from the Manassas Battlefield Park. Given the further protection that will be afforded by the inclusion of 50 to 100 foot wide buffer zones of trees and other vegetation between our project and the Park, the prospect that the mall or any other aspect of our project will intrude on the visual integrity of the Park is virtually nil.

B. The William Center tract was dedicated to commercial development well before Hazel-Peterson acquired it in 1986.

It is very important to understand that the William Center tract had been targeted by Prince William County for commercial development for over ten years prior to February 1986 when we acquired the property. Indeed, for almost two decades the tract has been considered the "crown jewel" of Prince William County's economic future because the tract is located on the major I-66 thoroughfare. The County has long been sorely in need of an increased tax base to support its quickly expanding population and burgeoning demand for social services. Approximately 20 percent of Prince William County is already in the hands of the federal government (i.e., Quantico Marine Base and National Cemetery, Prince William Forest Park, and Marumsco National Wildlife Sanctuary) from which the County receives very little compensation (about $20,000 per year in total).

In the 1970s the tract was owned by the Marriott Corporation. As far back as 1973 Marriott intended to use the tract for a theme park, a use the County's then-existing commercial zoning would have allowed. In 1982, the County formally designated the site for commercial development in its County master plan. In 1985, in response to Prince William County's proposal, Governor Robb included the William Center tract as a finalist for consideration as the home for Virginia's Center for Innovative Technology, a model high-tech industrial park. The site wound up as the runner-up in the state's "CIT" evaluation process.

When its corporate plans changed in late 1985, Marriott offered the property to Hazel-Peterson. After carefully researching the historic commercial zoning of the tract, Hazel-Peterson agreed to purchase the tract from Marriott in February 1986.

C. Inclusion of the shopping mall in the William Center project comports with the legal requisites of the tract's zoning and was done with fairness to all interested parties.

Opponents of the William Center variously charge that the inclusion of the shopping mall violates the mixed-use zoning granted Hazel-Peterson by Prince William County in November 1986 and was done in bad faith without fair notice to potentially interested parties. These charges are legally and factually baseless and insult the integrity of both Hazel-Peterson and Prince William County. The fact is that Prince William County's zoning procedures were followed completely in both letter and spirit, and fairness was accorded to all those who were interested in the issue.

In April 1986, Prince William County enacted a "planned mixed-use development" ordinance. By definition, that ordinance permits, "by right," fifteen different types of land uses, specifically including "office", "hotel/motel", "retail", and "residential" uses. See Section 405.15 of Prince William County Ordinances. As Prince William County Executive Kathleen K. Seefeldt clearly stated in her March 16, 1988 letter to Interior Secretary Donald Hodel:

> "Despite assertions . . . that the proposed development is inconsistent with local zoning ordinances, our County Attorney has advised us to the contrary, and no credible argument has been advanced that his understanding of local law is incorrect. Indeed, a lawsuit brought challenging the zoning and its interpretation by local officials was dismissed by our Circuit Court on March 14."

Further, County Executive Seefeldt reaffirmed this conclusion in writing to Senator John Warner on May 19, 1988:

> "It is clearly a matter of public record in the planned mixed district ordinance and the Hazel-Peterson rezoning that retail is a use permitted by right. That has never been in question by those who understand the law."

If opponents of the William Center misunderstood the relevant law, the responsibility for that misunderstanding falls with them. Their shortcoming in this regard, however, does not translate into a defect in Hazel-Peterson's performance of its legal obligations or an unfairness visited by us upon others. What the protesters' complaint really boils down to is that they were not notified of the particular plans to include the shopping mall as currently envisioned prior to the County's approval of the William Center's zoning. The protesters allege that Hazel-Peterson engaged in some nefarious "bait and switch" tactic to hide the mall from them to our advantage and their detriment. This "bait and switch" allegation is grossly incorrect and unfair.

First, as clearly represented in all our filings with the Prince William zoning authorities, Hazel-Peterson always intended to include retail space in the William Center project. After enactment of the mixed-use ordinance by the County on April 15, 1986, we filed our original rezoning application on April 30, 1986 seeking to qualify under that mixed-use ordinance. The County Planning Commission held two public hearings on our application on September 17, 1986 and October 15, 1986; on the latter date the Planning Commission approved our rezoning request. The Prince William County Board of Supervisors then gave its approval to the rezoning at a public hearing on November 4, 1986.

The zoning approved by the County allowed 560 residential units and 2.9 million square feet of combined non-residential use. Rather than restricting us to a specific commercial use, the rezoning approved for William Center simply gave us the right to go about developing that property with the flexibility which the County's mixed-use zoning was designed to provide, consistent with the size and density limitations and other conditions imposed by Prince William County. With respect to filling up the 2.9 million square feet of commercial space, we initially promised to begin by construction of a 50,000 square foot building within 18 months of the date of zoning approval. Clearly, at the time our rezoning was approved, we did not represent that we would build a regional mall because we did not then have a specific intent to do so. By the same token, we never represented that we would never build a regional mall. A regional mall is and always has been a category of retail development available under mixed-use development in Prince William County. In our minds and as noted in our filings with Prince William County, our Fair Lakes development, which is located several miles east on I-66, was a model for William Center. Like the zoning for the William Center, Fair Lakes' zoning allows for a major retail center.

On August 14, 1987, we submitted a preliminary plan for the non-residential development of the William Center tract to Prince William County, and that preliminary plan did not include specification of the currently envisioned mall because we had only begun that month our serious discussions with the DeBartolo, Corporation about its proposal to build the shopping mall. Over the succeeding months, we held further discussions and negotiations with DeBartolo, and by the end of January 1988 we were prepared to file a preliminary plan for the shopping mall with the County, which we did on January 28. As reflected in all the proffers submitted on the public record for all to see, the mall plan remains within the original density and height limitations established by the County in November 1986 when it approved our mixed-use zoning for the William Center tract.

Given the many years of public notice that the William Center tract was designated for commercial development and given the official approval of mixed-use zoning for the tract since 1986, there is no basis for anyone to assert that they were surprised by Hazel-Peterson or the County, or that they did not have a full and fair opportunity to participate in the public proceedings. The facts outlined above clearly demonstrate that there was absolutely no effort by Hazel-Peterson to disguise either our general intention to include retail use in the William Center development from the moment we purchased the tract in 1986 or our specific intention to include the currently envisioned mall in our development plans from the time we were first approached with the concept by the DeBartolo Corporation.

D. The William Center tract has substantially less relative historical importance than other properties in the area of the Manassas Battlefield Park.

Everyone agrees that the William Center tract played no role in the First Battle of Manassas which was fought well to the northeast of the tract within the existing Battlefield Park. However, to hear the emotional rhetoric of the opponents of the William Center, one would conclude that our property occupied extremely high importance with respect to the progress and outcome of the Second Battle of Manassas --- even to the point of their claiming that our property was the battlefield. Such claims are greatly exaggerated at best and false at worse.

As an initial matter, Hazel-Peterson does not claim that the William Center tract had absolutely no historical role in the Second Battle of Manassas. It is beyond question that Union and Confederate troops crossed and camped upon the property during the period August 28 through 31, 1862. Parts of the William Center tract were variously used as General Lee's temporary headquarters for less than 48 hours; as an encampment and staging area for Confederate troops who engaged the Federals off of the tract; and as hospitals for soldiers on both sides wounded in fighting generally conducted off of the tract. To recognize that these events occurred on the William Center tract, however, does not resolve the relevant historical inquiry. These same types of events occurred on virtually every other piece of acreage surrounding the Battlefield Park and are not unique to the William Center tract. The critical question is the degree of importance of these events which occurred on the William Center tract relative to events which occurred elsewhere in the adjacent and surrounding area. When properly viewed in this context, the relative historical importance of the William Center tract ranks far below the actual battlefield area --- which is already in the Park --- as well as several other areas which are not already in the boundaries of the Battlefield Park, such as Stoney Ridge.

While certainly some skirmishing occurred on the tract, none of the major fighting which determined the course of the Second Battle of Manassas occurred there. In this regard, opponents have charged that Longstreet's final thrust on August 30, 1862, which began the rout of the Union Army, commenced on the William Center tract. This claim is very misleading. The Confederate troops who participated in that assault did form up on the tract, but they marched north-eastward off the tract (crossing Groveton Road) and only thereafter engaged the main Union force on property which is already contained within the Battlefield Park. The fact that the Confederates used the tract as a staging area for this troop movement does not elevate the tract to critical historical importance, a status properly reserved to the property off the tract where the fighting actually took place.

As for Stuart's Hill, we have already committed to preserve that site as an interpretive overlook under the management of the Park Service. So too, we are committed to preservation of the Lewis and Cundiff house sites (the houses were gone long before we acquired the tract), which served as hospitals for those wounded in the fighting conducted over the entire surrounding countryside.

To the limited extent that the William Center tract played a role in the Second Battle of Manassas, our project preserves those elements of importance. As a result, there is no basis for the claim that construction of our project would destroy areas of great historical importance to Second Manassas.

Section II.

Summary of Hazel-Peterson's Specific Views on the National Parks Service "Working Group" Proposal; H.R. 4526; and the Transportation Appropriations Amendments Designed to Block An Interchange Off I-66:

A. The National Parks Service "Working Group" Proposal.

Hazel-Peterson strongly supports the National Parks Service's "working group" proposal to preserve and enhance the Manassas Battlefield Park. That proposal is premised upon the sound idea that the best resolution of this issue will be derived from negotiations between professionals representing the responsible interested parties, conducted in a serious, non-political atmosphere, and away from the glare and pressures of the television cameras. The technical complexity of this matter---involving historical, transportation, environmental, demographic, commercial and residential components --- does not lend itself to detailed resolution in the political forum. The negotiations should build upon certain basic understandings already reached by the "working group" such as the following:

- U.S. Route 29 (Lee Highway) would be closed and traffic diverted onto I-66 when I-66 is widened in each direction.

- State Route 234 (Sudley Road) would be closed throug the Park when a Battlefield By-pass (the so-called "2 By-pass") to the west of the Park is completed t handle the traffic. By facilitating construction o the "234 By-pass," the plan implements the favorable understanding Congress had in enacting the 1980 legislation which expanded the Park regarding the desirability of the construction of the "By-pass." In fact, the 1980 legislation specifically provided that the By-pass could be routed through the Park itself consistent with appropriate conditions set by the Secretary of Interior. See 16 U.S.C. 429b-1(c). Moreover, the 1980 legislation enjoined the Secretary from closing the two state roads in the Park "unless appropriate action permitting" it is taken by Virginia. See 16 U.S.C. 429b-1(d).

- Routes 29 and 234 through the Park would be restored t their Civil War-era condition.

- Hazel-Peterson would pay for William Center's internal roads and contribute $2 million toward construction of the I-66/Battlefield By-pass interchange.

- At the request of the Park Service, Hazel-Peterson would eliminate the visual impact of the William Center's retail shopping mall by moving its location to substantially lower ground farther from the Battlefield Park and over 2,000 feet from Route 29. The areas within 600 feet of Route 29 (which are closest to the Park) would be restricted to residential communities and low-rise (maximum two stories) office buildings.

- In cooperation with the Park Service and the County, Hazel-Peterson would provide significant landscaped buffer zones between the Park and the William Center to mitigate, if not completely eliminate, visual intrusion.

- Hazel-Peterson has agreed to a Park Service request to create a park overview and interpretive display on Stuart's Hill, where General Lee located his headquarters for less than 48 hours during the Second Battle of Manassas. This site will be operated by the National Park Service. In addition, the sites of two farmhouses which were used as hospitals during and after the battle will also be preserved.

This plan satisfactorily attains the "number one" priority the National Park Service has established for preservation of the Battlefield Park, namely, the closing of the roads which bisect the Park. It also preserves the historically important features of the William Center tract while simultaneously avoiding intrusion upon Virginia's sovereignty and satisfying the economic development and transportation imperatives of Prince William County. The plan creates a "win/win" situation for all involved. It is a workable, realistic and cost-effective plan which the National Park Service, the federal and Virginia transportation departments, Prince William County, ourselves and others can continue to work on with great energy to improve and make a reality. Rather than frustrating these efforts, Congress ought to encourage and facilitate the earliest implementation of this proposal.

B. H.R. 4526.

As recently passed by the House, H.R. 4526 is an enormously bad piece of legislation from both a policy and budgetary perspective. Constituting a shameful waste of the taxpayer's money, H.R. 4526 is an irresponsible capitulation to political interests in an election year. The American people deserve better, and it is up to the Senate to bring some common sense and balance to this issue.

Section 2 of H.R. 4526 would authorize the "legislative taking" of the William Center tract for acquisition by the

National Park Service and inclusion into the Manassas Battlefield Park. A legislative taking transfers title to the property immediately, placing the full faith and credit of the United States behind the costs associated with the title transfer. Hazel-Peterson strongly opposes this "legislative taking", for several reasons:

- Budget Impact: The cost to the federal government of acquiring the William Center tract would be enormous and far out of proportion to the historical importance of the property that would be purchased. Independent estimates cited in the press place the current acquisition cost in the $50 to $100 million range. Such an expenditure is far more than the National Park Service's entire FY-88 appropriation for land acquisitions. When the other features of H.R. 4526 are considered, the total cost of the bill lies in the $100 to $150 million range.

  In a budgetary crisis such as that which exists today--- where the Nation's housing and health needs go unmet, where Congress has to struggle to get even a modicum of relief to drought-plagued farmers, where our educational system still lacks sufficient public resources, and where true national treasures such as Yellowstone National Park are being destroyed by flame --- it is irresponsible for Congress to be cavalierly doling out hundreds of millions of dollars ostensibly to protect something which is not threatened and which can be fully safeguarded through a negotiated agreement that does not entail the expenditure of vast amounts of federal money.

- Consistency: It should be emphasized that from 1975 to 1978, the House of Representatives three times passed legislation to expand the Park, and on none of these occasions was the William Center tract included therein. Moreover, Congress and the Carter Administration's Park Service again did not include the William Center Tract in the 1980 Park expansion legislation which was enacted into law. The absence of the tract in these various pieces of legislation reflects both the tract's lesser historical importance relative to other properties in the area and Prince William County's clearly stated and consistent desire to dedicate this property for commercial development. Condemnation and purchase of the William Center tract now would represent a reversal in Congress' consistent treatment of the William Center tract.

- Unnecessary to Protect the Park: Hazel-Peterson has already agreed to preserve the areas of historical importance on the William Center tract and to wholly eliminate any serious visual impact of the project on the Battlefield Park. The government's purchase of the William Center tract is, therefore, not necessary to ensure preservation of the Park's integrity.

  Moreover, according to the Park Service the real "number one" threat to the Battlefield Park is the existing and ever increasing automobile traffic that transits the Park on state Routes 29 and 234. Removing this traffic by closing the state roads and returning them to their Civil War gravel status is by far the most important element in preserving the integrity of the Park. The Park Service has a very reasonable plan to accomplish this objective without the expense of "taking" the William Center tract based upon direct negotiations with Prince William County, the State of Virginia and Hazel-Peterson.

- Impact on Other Acquisitions: Congress has already authorized the National Park Service's acquisition of 3.6 million acres of property throughout the Nation, totalling over $3 billion in authorizations, for which no appropriations from Congress have yet been made. We would note that at Manassas Battlefield Park itself, the area of very heavy fighting and very great significance located to the northwest of the Park, called Stoney Ridge, remains unacquired. So too, hundreds of acres of scenic easements which were authorized for purchase for the Park in 1980 still have not been acquired. Acquiring the William Center tract now ahead of the other far more historically important properties already on the existing acquisition list for the Park and the Nation is unfair to those other projects and makes the establishment of priorities in Park Service land acquisitions a meaningless exercise.

- Does Not Resolve Problem: The "legislative taking" does not resolve the issue of development in the area around the Manassas Battlefield Park. Condemning William Center merely shifts the same controversy to other properties similarly adjacent to the existing Park. It is ludicrous to think that the federal government is willing or prepared to buy up all these properties.

- State and Local Rights: The "legislative taking" would unduly upset local land use decisions which were properly made under the jurisdiction of state and local authorities. In this regard, the Prince William County government continues to strongly support the William Center project and considers it an essential feature of the County's economic development.
- Procedural Chaos: Enactment of this bill sets a very bad precedent, clearly signaling to every group in the country that Congress is willing to "micro-manage" every environmental or local land use issue in the vicinity of the vast number of national parks and national recreation and historical areas. A system already exists for making these decisions at the local, state and federal levels. Interruption of that system invites dissatisfied parties to ignore that system and run to Congress. Do not be surprised if, based upon this precedent, Congress is henceforth besieged by every disgruntled group seeking relief through their political might, rather than upon their merits.

The legislative history of the 1980 Park expansion legislation established that Congress intended to fix the Park's boundaries as established therein, and that Prince William County and local landowners would then be free to develop outside those boundaries. Now, H.R. 4526 would reverse that position to the great detriment of the County, Hazel-Peterson, the federal treasury and the Battlefield Park itself. At some point Congress simply has got to recognize that residential and commercial development is coming to the area around the Park. What Congress should do here is work to preserve and enhance the existing Battlefield Park as advocated by the Park Service, and reject the idea of expanding the Park in the face of Prince William County's irreversible evolution as a more populous and economically vibrant region.

Section 3 of H.R. 4526 requires the Secretary of the Interior to cooperate with Virginia and local county officials to promote and achieve scenic preservation of views from the Park through zoning and other feasible means. In concept, Hazel-Peterson supports cooperation between the federal government and state and local officials on these local land use issues. Such cooperation and respect between these different levels of government is a hallmark of federalism. However, Congress need not enact legislation mandating that federal agencies act responsibly, respectfully and cooperatively toward state and local governments. In short, though its interest is laudable, Section 3 is unnecessary legislation and amounts to no more than an exhortation for the parties to do what they have already been willing to do to protect the Battlefield Park, that is, negotiate seriously with one another.

Section 4 of H.R. 4526 authorizes the Secretary of Interior to conduct a study, in consultation with the Transportation Department and others, to determine what roads should be closed and/or constructed in the region to protect the Park. Section 4 also authorizes $30 million for the closure and construction of these roads, presumably including the portion of the so-called "234 By-pass" running north from I-66 to Catharpin, Virginia.

Section 4 is the natural extension of Congress' recognition of the importance of the "234 By-pass" to Prince William County's economic and social welfare evident in the 1980 Park expansion legislation. Moreover, it recognizes that the closing of the state roads within the park is the number one priority for preserving the integrity of the Battlefield. The existing roads in the area cannot accommodate the current level of traffic, much less the predicted future volume as the County grows. Traffic congestion through the Park is expected to increase by 150 percent within the next 20 years--even without the mall.

Section 4 is the only element of H.R. 4526 which warrants this Subcommittee's serious attention. Enacting Section 4 would be appropriate to compliment the efficient resolution attainable through the parties' negotiations under the auspices of the Park Service "working group."

C. Transportation Appropriations Proposals to Block An Interchange Off I-66.

Both the Senate and House FY-89 transportation appropriation bills contain provisions designed to enjoin the Department of Transportation from spending any funds in perpetuity for the construction or approval of an interchange off of I-66 in the vicinity of the William Center. Rather than helping preserve the Park or constructively addressing the broader concerns of the various parties, these amendments are counterproductive and actually threaten the Park.

In preventing the construction of the I-66 interchange, the amendment would also prevent the construction of the "234 By-pass" and the rerouting of the local traffic which currently transits the two state roads in the park. While designed to prevent construction of the William Center these amendments will not do so; our project is not dependent upon direct access to I-66. We can access our tract from the existing state roads. However, if we are forced to use the state roads, the William Center traffic will exacerbate the congestion on the very roads the Park Service wants so much to close.

The appropriations amendments also represent a reversal of the favorable understanding the Senate Energy Committee and the Congress have had of the desirability of the "234 By-pass" as evidenced by the enactment of the 1980 legislation expanding the Battlefield Park. In that legislation, Congress expressly provided that if the Virginia highway department determines that the proposed "234 By-pass" should be located on the Park's own property, the Secretary of the Interior "shall make available the land necessary for such by-pass," subject to appropriate protection provisions. See 16 U.S.C. 429b-1(d). In accordance with this Congressional view of the By-pass, a favorable environmental impact statement for the 234 By-pass was completed by DOT as far back as 1981.

Finally, we would point out the inconsistency between the appropriations amendments which would block the "234 By-pass" interchange and H.R. 4526 that would authorize substantial federal assistance to building the "by-pass". Enactment of the former is antithetical to the latter. If Congress is intent on enacting Section 4 of H.R. 4526, the appropriations amendments ought to be deleted from the FY-89 transportation appropriations bill.

CONCLUSION

Mr. Chairman, Hazel-Peterson thanks you for this opportunity to present the facts about the William Center and our views concerning the most responsible means of protecting the Manassas Battlefield Park. There are certainly more issues which we could have addressed today, but we tried to keep our testimony focused on the most important features. If you or your colleagues desire further information or would like to discuss this matter further, we will be pleased to do so.

Mr. **Hazel**. One thing we find out you guys, these guys over here on the Hill got a whole different race schedule than I am used to.

The thing that I really plead for is the certainty of an action. Do what you think is best be done. Understand the facts, please, but do something.

Either indicate that this is not going to be in taking posture and we can go away and hopefully others will go away or take it all or take a piece of it or arrange a way in which we can productively discuss a compromise or some settlement along the lines we have talked.

Senator **Bumpers**. Well, you are certainly entitled to that, Mr. Hazel.

Mr. **Hazel**. Thank you, sir.

Senator **Bumpers**. Go ahead, Ms. Bradburn.

STATEMENT OF PATRICIA BRADBURN, PRESIDENT, CITIZENS FORUM FOR TRUTH AND PROGRESS

Ms. **Bradburn**. Thank you, Mr. Chairman and members of this Subcommittee. I appreciate the opportunity to be here and appear before you today. And also for the opportunity to meet Mr. Hazel and Mr. Kelly, which is the first time I have met them.

Senator **Bumpers**. You need to pull the microphone just a little closer.

Ms. **Bradburn**. I am President of the Citizens Forum for Truth and Progress, which is a group of Prince William County homeowners, small businesspeople like me, hardworking men and women who have organized out of deep concern for our County's economic future.

Don White, our Chairman, testified before this same Committee in 1980 on the very same land at the center of this controversy. This was not purchased by Congress then, even after intensive study and hearings.

No one disputes that brave soldiers on both sides of our divisive Civil War fought, were injured, died, camped and marched throughout Prince William County. Surely it is enough to have honorably memorialized this with over 4,500 acres of land, mostly unused and inaccessible to the public.

How many times must Prince William County endure arbitrary intrusion into its local affairs, tinkering with 15 years of planning for desperately needed roads, and economic disruption instigated by the few for whom there will never be enough land for Manassas National Battlefield Park.

Is it right for the Federal Government to hopscoth through this area taking private property canonized as hallowed only after the fact of a perfectly legal zoning upon which a perfectly legal development is being built?

Clearly it demeans the Congress and trivializes our Constitution and laws and the lives and futures of 250,000 area residents to be ensnarled every few years in what really are local anti-development squabbles. Shrewdly orchestrated, these emotion wrenching crusades are masterplanned to pressure Congress into taking more and more private property of limited historical significance to stop economic growth.

How dispiriting to 250,000 local residents and other American taxpayers to hear some in Congress rationalize how little it would cost to take all of William Center.

How shocking that is to us, since it will also take 7,000 or 8,000 jobs from the County, it will deprive our County of hundreds of millions of dollars of desperately needed tax revenue, it will undermine the respect and stability of our local government doing its best to meet crushing responsibilities.

It will usurp our private property rights. It will expand the Federal Government's 20 percent ownership, for which it pays only about $20,000 per year.

And it recklessly toys with the future of the Route 234 North/South Bypass, a road critical to economic growth, safety and avoidance of transportation gridlock in Prince William County; ironically, a road which many believe is key to the preservation of the park itself.

It is doubtful that a legislative taking of all or part of William Center will be cheap. Estimates for all range from $100 million to $250 million. It is common knowledge that rezoned land often increases in value a number of times in a very short period.

Moreover, William Center now has been improved by clearing, grading, entrances, roads, curb, gutter, sewer and water. And as we have heard, homes are now under roof. We urge those seriously thinking about a legislative taking of all of William Center to go and see what they will be buying.

Moreover, those who propose taking less than all but nonetheless significant acreage and prohibiting the mall could easily discover the cost to be comparable to a complete taking. Such a severe carving up of this property could destroy its economic viability.

Those who contend this is a cheap deal either way are deceiving you. If this bill passes in either form, Congress hands over a blank check to the courts which are not shackled by politics and emotion. William Center, all or part, would become a mighty expensive purchase.

Where will all the millions come from with only about $50 million, as we have heard, available for all park project acquisitions? Is it really in the best interest of this nation to wipe out its entire acquisition budget for William Center? That would put on the back burner all vital projects in other states.

Cavalier statements that $50 million or even $250 million is a pittance for a nation like ours seem irresponsible, especially when the deficit is soaring and urgent social needs abound.

And what about the interest? By the time the courts have decided this matter, the final tab will have grown enormously. Without a doubt, this is the wrong message to send to the American people in these times.

One hears a lot of talk about deception. Initially, it was used to arouse local citizens on the spurious charge that zoning was illegal. But if the zoning was illegal, why has it not been decreed so in court? William Center opponents know the zoning is legal, yet they initially rallied locally to the cry of illegal.

Next came hallowed ground. When the William Center project was first proposed as an office park and retail and residential development, members of a sophisticated local organization, which regularly opposes development, subjected it to a very thorough, arduous zoning process and ended up approving it.

When a mall was included by legal right, the leadership of this organization was promptly reborn as Save the Battlefield Coalition and now belatedly demands the whole project be scrapped because of hallowed ground.

Perhaps the cruelest deception of all is that thousands of signatures and dollars have been obtained nationwide by patently false media-hyped propaganda like, "Stop building on the Battlefield," and similar misrepresentations. In fact, no one has proposed or is building on the Battlefield.

Attached to my testimony is printed evidence of these misrepresentations. I have more available. The Journal Messenger, in an editorial note on September 2nd, stated that those outside Virginia have been misled. We know many inside Virginia have also been misled. This is not only deception, but national fundraising under false pretenses.

Is it any wonder some popular support has been generated? Is it any wonder why the House of Representatives did what they did in this election year? Concerned Americans, however, must rely on the Senate, as they have so often in the past, for balance to stop the Federal Government from issuing a big, blank check.

Senators, we feel as deeply about patriotism, our war dead, historic preservation and parks as any American. We also believe in common sense. We think, for example, that Congress should first acquire the 700 acres of historically significant land now only in scenic easement, the purchase of which was authorized eight years ago.

Governor Baliles of Virginia recently, in a brilliant and powerful Gettysburg address eloquently captured the essence of what we are saying here today. He said, "Let us only remember the past, and not become prisoners of it."

In summary, I close by respectfully urging you to reject this extravagant, unreasonable legislation without compromise.

Thank you for your attention.

[The prepared statement of Ms. Bradburn follows:]

Citizens Forum For Truth & Progress
P.O. Box 77 • Catharpin, Virginia 22018 • (703) 368-8424

PRESENTATION OF
CITIZENS FORUM FOR TRUTH AND PROGRESS
TO
THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

SEPTEMBER 8, 1988

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to appear before you today. My name is Patricia Bradburn. I am President of the Citizens Forum for Truth and Progress. The Citizens Forum is a group of Prince William County homeowners, small business people like me and ordinary hard-working men and women who have organized out of deep concern for our county's economic future.

Also with us is Don White, our Chairman, who as vice-chairman of the Prince William County Board of Supervisors testified before this very same committee in 1980 on the very same land at the center of this controversy. It was not purchased by Congress then even after intensive study and hearings.

No one disputes that brave soldiers on both sides of our divisive Civil War fought, were injured, died, camped, and marched throughout Prince William County. Surely however it is enough to have honorably memorialized this war with over 4500 acres of land (seven and a half square miles) mostly unused and inaccessible to the public that now comprise the Manassas National Battlefield Park.

How many times must Prince William County endure arbitrary intrusion into its local affairs, tinkering with over 15 years of planning for desperately needed roads, and economic disruption instigated by the few for whom there will never be enough land for Manassas National Battlefield Park.

Is it right for the federal government to hopscotch through this area taking private property canonized as hallowed only after the fact of a perfectly legal zoning upon which a perfectly legal development is being built? Where does it all stop?

Clearly it demeans the Congress and trivializes our Constitution and laws, and the lives and futures of over 250,000 area residents to be ensnarled every few years in what really are local anti-development squabbles. Shrewdly orchestrated, these emotion wrenching crusades are masterplanned to pressure Congress into taking more and more private property of questionable historical significance to stop economic growth.

How dispiriting to 250,000 local residents and other hard working American taxpayers to hear some in Congress rationalize how "little" it would cost to "take" all or part of William Center. How shocking that is to us, since it will also take over 7,000 jobs from Prince William County; it will deprive our County of hundreds of millions of dollars of desperately needed tax revenue while its property owners remain overburdened by a tax rate among the highest anywhere; it will undermine the respect and stability of our local government doing its best to meet crushing responsibilities; it will usurp our private property rights; it will expand the federal government's 20% ownership of our County--71 square miles--for which it pays only about $20,000 per year; and it recklessly toys with the future of the Route 234 North/South Bypass--a road critical to economic growth, safety, and avoidance of transportation gridlock in Prince William County--ironically, a road which many believe is key to the preservation of the Park itself.

It is highly doubtful that a "legislative taking" of all or part of William Center will be cheap. Estimates for all range from $100 million to $250 million. It's common knowledge that rezoned land in Prince William County often increases in value a number of times in a very short period. Moreover, William Center now has been massively improved by clearing, grading, entrances, roads, curb, gutter, sewer, and water. Homes are under roof already. We urge those seriously thinking about a legislative taking of all of William Center to go see what they would be buying.

Moreover, those who propose taking less than all but nonetheless significant acreage and prohibiting the mall could easily discover the cost to be comparable to a complete taking. Such a severe carving up of this property could destroy its economic viability, which would be tantamount to taking it all.

Consider also the attached page from the most recent Regardies Magazine featuring two properties with some similar commercial uses located a short distance up the same road from William Center. You will note the prices are $17.00 and $17.50 per square foot. At an average of only $4.50 per square foot, all of William Center would be worth over $105 million.

Those who contend this is a cheap deal either way are deceiving you. If this bill passes in any form, Congress hands over a blank check to the courts which are not shackled by politics and emotion. William Center--all or part--would become a mighty expensive purchase indeed.

Where will all the millions come from, with only about $50 million available for all park acquisition projects? Is it really in the best interests of this nation to wipe out its entire park acquisition budget for William Center? That would put on the back burner all vital projects in other states and would still leave the nation deeply in the hole on the William Center purchase.

Cavalier statements that $50 million or even $250 million is a pittance for a nation like ours seem irresponsible; especially, when the deficit is soaring and urgent social needs abound. And, what about the interest? By the time the courts have decided this matter, the final tab will have grown enormously. Without a doubt, this is the wrong message to send to the American people in these times.

One hears a lot of talk about deception. Initially it was used to arouse local citizens on the spurious charge that the zoning was illegal. But if the zoning was illegal, why hasn't it been decreed so by a court? William Center opponents know the zoning is legal. Yet, they initially rallied locally to the cry of "illegal."

Next came "hallowed ground." When the William Center project was first proposed as an office park and retail and residential development, members of a sophisticated local organization, which regularly opposes development, subjected it to a very thorough, arduous zoning process and ended up approving it. When a mall was included by legal right, the leadership of this organization was promptly reborn as Save the Battlefield Coalition and now belatedly demands the whole project be scrapped because of "hallowed ground."

Perhaps the cruelest deception of all is that thousands and thousands of signatures and dollars have been obtained nationwide by patently false, media-hyped propaganda like, "Stop building on the Battlefield," or similar misrepresentations. In fact, no one has proposed or is building on the Battlefield.

Accompanying my testimony is some printed evidence of these misrepresentations. You will note that the Journal Messenger, in an editorial note on September 2, 1988, stated that those outside of Virginia have been "misled." We know many, many inside Virginia have also been misled. This is not only deception but national fund raising under false pretenses.

Is it any wonder some popular support has been generated? Is it any wonder why the House of Representatives did what it did in this election year? Concerned Americans however must rely on the Senate, as they have so often in the past, for balance to stop the federal government from issuing a big, blank check.

Senator Warner's testimony adds certain new twists to this controversy. Regrettably, we are only able to agree with the following portions, which we respectfully submit do not support the resolution proposed:

We agree a "legislative taking" of the William Center will be much too costly, and on that basis will most likely be vetoed by the President. We agree that the Senate cannot allow "legislative taking" to become a routine means of federal land acquisition. We agree that prior to 1979 the House of Representatives passed legislation five times to expand the Park. In each instance the Senate failed to act. We agree that all parties (including Senator Warner) considered the 1980 bill to be the final resolution of the long standing controversies regarding additions to Manassas National Battlefield Park. We agree that the so-called "historical significance" of the excessive portion of the William Center tract Senator Warner has singled out for taking is indeed "new-found;" in fact, it was apparently only "found" after the announcement that a mall was to be built upon the site instead of an office park.

We don't agree with a partial taking that cuts the commercial heart out of William Center, thereby rendering it economically unviable for Prince William County. Senator Warner's proposal not only fails to fairly resolve the current dispute, it ensures that this same dispute will arise and be before you again and again in the future.

Senators, Citizens Forum supporters feel as deeply about patriotism, our war dead, historic preservation and parks as any American. We also believe in common sense. We think for example that Congress should first acquire the 700 plus acres of historically significant land now only in scenic easement, the purchase of which was authorized eight years ago to preserve Manassas National Battlefield Park.

The Governor of Virginia recently in a brilliant and powerful address at Gettysburg eloquently captured the essence of what we are saying here today. Governor Baliles said, "let us only remember the past, not become prisoners of it."

With those profound words as my summary, I close by respectfully urging you to reject this extravagant, unreasonable legislation without compromise.

Thank you for your kind attention.

# # # #

Virginia

LOUDOUN COUNTY
LEESBURG

Map C-4 • $6/Sq Ft
Leesburg Airpark
751 Miller Drive
Use: Office/R&D/Ind
40,000 Sq Ft • Avail: Now
Contact: Ward Corporation
Phone: (301) 948-3055

Map C-4 • $9.28-12 Sale
Sycolin Business Park
Rt 643 @ Leesburg Airport
Use: Office/R&D/Whse
TBD Sq Ft • Avail: Now
Contact: King & Cogswell
Phone: (703) 478-1099

Map C-4 • $2,000,000 Sale
Land
3.6 Acres
Use: B-T-S/Land
60,000 Sq Ft • Avail: TBD
Contact: Wynmark
Phone: (202) 797-7000

Map C-4 • $TBD
Loudoun Center D
Ridgetop Circle
Use: Office
22,618 Sq Ft • Avail: 3/89
Contact: Coldwell Banker
Phone: (703) 734-4700

Map C-4 • $TBD
Loudoun Center C
Ridgetop Circle
Use: Office
21,290 Sq Ft • Avail: 3/89
Contact: Coldwell Banker
Phone: (703) 734-4700

Map C-4 • $TBD
Loudoun Center B
Ridgetop Circle
Use: Office
31,075 Sq Ft • Avail: 3/89
Contact: Coldwell Banker
Phone: (703) 734-4700

Map C-4 • $TBD
Loudoun Center E
Ridgetop Circle
Use: Office
23,696 Sq Ft • Avail: 3/89
Contact: Coldwell Banker
Phone: (703) 734-4700

Map C-4 • $TBD
Skyline City
Shirley Hwy & Rt 7 Leesburg Pk
Use: Office
33,448 Sq Ft • Avail: Now
Contact: Charles E Smith Co
Phone: (703) 284-7690

LOUDOUN COUNTY
STERLING

Map C-4 • $90 Sale
Meadow Brook I
Beaumeade Circle
Use: Whse/Condo
50,900 Sq Ft • Avail: 10/89
Contact: Markey Realty
Phone: (703) 591-1221

Map C-4 • $8/Sq Ft
Meadow Brook II
Beaumeade Circle
Use: R&D
47,800 Sq Ft • Avail: TBD
Contact: Marie Realty
Phone: (703) 591-1221

Map C-4 • $7/Sq Ft
North Dulles Bus Ctr
11 & 13 Bryant Ct
Use: Ind/Whse/Condo
28,000 Sq Ft • Avail: Now
Contact: Ryan Lorey & Assoc
Phone: (703) 471-1881

Map C-4 • $17.90/Sq Ft
Capitol Tech Ctr
100 Carpenter Drive
Use: Office
45,000 Sq Ft • Avail: Now
Contact: Coldwell Banker
Phone: (703) 734-4700

Map C-4 • $6.25-6.75/Sq Ft
TransDulles Centre
Davis & Glenn Dr
Use: Office/R&D/B-T-S/Whse
1,900,000 Sq Ft • Avail: Now
Contact: Hunter & Assoc of VA
Phone: (703) 761-3100

Map C-4 • $5.85-15/Sq Ft
Tech Trading Park I
1 Export Drive
Use: Office/R&D/Whse
27,000 Sq Ft • Avail: Now
Contact: Con Lehman Assoc
Phone: (703) 847-6524

Map C-4 • $6-12/Sq Ft
Tech Trading Pk III
403 Glenn Drive
Use: Office/R&D/Ind/Whse
40,000 Sq Ft • Avail: Now
Contact: Con Lehman Assoc
Phone: (703) 847-6524

Map C-4 • $15-16/Sq Ft
Sterling Crossroads
Glenn Dr & Sterling Blvd
Use: Office/B-T-S/Condo
22,000 Sq Ft • Avail: Now
Contact: Grimm Company
Phone: (703) 478-0682

Map C-4 • $16/Sq Ft
Manekin @ Ldn Ctr
Loudoun Tech Ctr
Use: Office
119,078 Sq Ft • Avail: 12/88
Contact: Coldwell Banker
Phone: (703) 734-4700

Map C-4 • $17.90-18/Sq Ft
Harmon Building
2 Pidgeon Hill Drive
Use: Office
20,000 Sq Ft • Avail: Now
Contact: Harmon Bldg Assoc
Phone: (703) 450-5999

Map C-4 • $TBD
Mirror Ridge
Potomac View Road & Rt 7
Use: Retail/Land
110,000 Sq Ft • Avail: Now
Contact: Allandre Management
Phone: (301) 340-8200

Map C-4 • $13/Sq Ft
DominionPoint 1&2
21515-25 Ridgetop Circle
Use: Office
78,524 Sq Ft • Avail: Now
Contact: Jones Lang Wootton
Phone: (202) 331-3333

Map C-4 • $6.90-11.90/Sq Ft
Tech Group Bldg
Severn Way
Use: Office/R&D/Whse
46,000 Sq Ft • Avail: Now
Contact: Dulles Invest & Dev
Phone: (703) 450-5500

Map C-4 • $TBD
Commonwealth Ctr
Shaw Rd & Terminal Rd
Use: Office/R&D/Ind/B-T-S
180,000 Sq Ft • Avail: 6/89
Contact: RDS
Phone: (703) 893-1930

Map C-4 • $TBD
Loudoun Tech Center
1306 Squire Court
Use: R&D
35,000 Sq Ft • Avail: Now
Contact: Ldn-Wheaton Dev
Phone: (703) 450-2900

Map C-4 • $21/Sq Ft
Sterling Square
Rt 28 & 636
Use: Retail
71,300 Sq Ft • Avail: 12/88
Contact: Sterling Square Assoc
Phone: (703) 448-9607

Map C-4 • $5.25/Sq Ft
Cavalier
Rt 28 & Rt 634
Use: Ind/Whse
30,000 Sq Ft • Avail: Now
Contact: ESHM Inc
Phone: (703) 643-1661

Map C-4 • $7.90 Sale
Loudoun Tech Center
Rt 7 @ Rt 28
Use: Office/R&D/B-T-S/Land
TBD Sq Ft • Avail: Now
Contact: Radnor Buchanan
Phone: (301) 258-5275

Map C-4 • $18-23/Sq Ft
Parc City Centre
Route 7
Use: Retail
53,000 Sq Ft • Avail: Now
Contact: Smithy Braedon
Phone: (202) 775-7620

Map C-4 • $TBD
Cascades Office Pk
Route 7
Use: Office/R&D/B-T-S/Retail
5,000,000 Sq Ft • Avail: 12/88
Contact: Kettler & Scott
Phone: (703) 641-9000

Map C-4 • $85 Sale
Dulles Tech Center
Rt 614 & 606
Use: Whse
74,000 Sq Ft • Avail: Now
Contact: Markey Realty
Phone: (703) 591-1221

Map C-4 • $TBD
Markey at Mercure
Route 606
Use: Office/R&D/B-T-S
250,000 Sq Ft • Avail: 8/89
Contact: Markey Realty
Phone: (703) 591-1221

Map C-4 • $TBD
Oakbrook Comm Ctr
Route 637
Use: Office/R&D/B-T-S/Whse
200,000 Sq Ft • Avail: 7/89
Contact: Markey Realty
Phone: (703) 591-1221

Map C-4 • $7.50/Sq Ft
Oakbrook II
Route 637
Use: R&D
60,000 Sq Ft • Avail: 9/89
Contact: Markey Realty
Phone: (703) 591-1221

Map C-4 • $90 Sale
Oakbrook III
Route 637
Use: Ind/Condo
40,000 Sq Ft • Avail: 7/89
Contact: Markey Realty
Phone: (703) 591-1221

Map C-4 • $20-22/Sq Ft
Sterling Center
Rt 617 & 625
Use: Office/Retail
250,000 Sq Ft • Avail: 4/89
Contact: Beltway Plaza Dev
Phone: (301) 422-3300

PRINCE WILLIAM COUNTY
DALE CITY

DALE CITY • $16-20/Sq Ft
Home & Auto
Gideon & Opitz
Use: Retail
63,000 Sq Ft • Avail: 3/89
Contact: Smithy Braedon
Phone: (202) 775-7620

DALE CITY • $5/Sq Ft
Potomac Mills Ind Pk
Building 5
Use: Ind
62,000 Sq Ft • Avail: Now
Contact: Carey Winston
Phone: (703) 821-0040

PRINCE WILLIAM COUNTY
DUMFRIES

DUMFRIES • $13/Sq Ft
Henderson Village Ctr
Rt 1
Use: Retail
25,000 Sq Ft • Avail: Now
Contact: Shannon & Luchs
Phone: (703) 231-7800

DUMFRIES • $13/Sq Ft
Commercial Land
I-95 & Rt 214
Use: Retail/Land
40,000 Sq Ft • Avail: Now
Contact: Weaver Bros
Phone: (703) 378-1304

DUMFRIES • $6 Sale
Land
I-95/Rt 1&234
Use: Land
522,000 Sq Ft • Avail: Now
Contact: Campbell Brothers
Phone: (703) 690-3612

PRINCE WILLIAM COUNTY
GAINESVILLE

GNSVILLE • $6.90-12.90/Sq Ft
Gainesville Bus Ctr
Gainesville Blvd
Use: Office/R&D/B-T-S/Whse
1,900,000 Sq Ft • Avail: 3/89
Contact: Landservices Inc
[illegible]

GAINESVILLE • $17 Sale
14221 Lee Highway
Use: Office/Retail/Land
218,000 Sq Ft • Avail: Now
Contact: Civic Real Estate
Phone: (703) 821-2700

GAINESVILLE • $17.50 Sale
14223 Lee Highway
Use: Office/B-T-S/Retail/Land
220,000 Sq Ft • Avail: Now
Contact: Civic Realty Estate
Phone: (703) 821-2700

GAINESVILLE • $TBD
Gnsvlle/66 Bus Ctr
7511 Wellington Rd
Use: Off/R&D/Ind/B-T-S/Whse
750,000 Sq Ft • Avail: TBD
Contact: Mason Hirst Cos
Phone: (703) 759-7500

PRINCE WILLIAM COUNTY
LAKE RIDGE

LAKE RIDGE • $15/Sq Ft
Middle Ridge Complex
Smoketown & Old Bridge Rd
Use: Office/Retail
250,000 Sq Ft • Avail: TBD
Contact: Calvert Prop Co
Phone: (703) 643-5080

PRINCE WILLIAM COUNTY
MANASSAS

MANASSAS • $3.75 Sale
Airport Comm Ctr
Use: Office/Retail/Land
TBD Sq Ft • Avail: Now
Contact: Wellington Realty Inc
Phone: (703) 361-2193

MANASSAS • $90 Sale
Markey Gateway Ctr.
Balls Ford Rd
Use: Whse/Condo
41,100 Sq Ft • Avail: 6/89
Contact: Markey Realty
Phone: (703) 591-1221

MANASSAS • $6.25-6.75/Sq Ft
Colony Center
10200 Bankview Drive
Use: Off/R&D/Ind/B-T-S/Whse
125,000 Sq Ft • Avail: 11/88
Contact: Colony Group
Phone: (703) 847-6555

MANASSAS • $6.90-17/Sq Ft
Battlefield Bldg Two
10553 Battleview Pkwy
Use: Office/R&D
92,000 Sq Ft • Avail: Now
Contact: Holladay Corp
Phone: (703) 631-1944

MANASSAS • $TBD
Cobblestone
Breeden Ave & Rt 28
Use: Office/Retail
75,000 Sq Ft • Avail: Now
Contact: Kettler Communities
Phone: (703) 690-3904

MANASSAS • $18/Sq Ft
Canterbury Village
Digges & Sudley Rds
Use: Retail
65,000 Sq Ft • Avail: Now
Contact: Coldwell Banker
Phone: (703) 734-4700

MANASSAS • $13-16/Sq Ft
Ambassador Square
7516B Diplomat Drive
Use: Office/B-T-S/Retail/Condo
[illegible] Sq Ft • Avail: Now
Contact: Gary P Grimm Inc
Phone: (703) 631-9444

MANASSAS • $6-15/Sq Ft
Godwin Business Pk I
Godwin Dr at Colonel Ct
Use: Office/R&D/Ind/Whse
35,000 Sq Ft • Avail: Now
Contact: Long & Foster Comm
Phone: (703) 359-1900

MANASSAS • $TBD
Manassas Corp Ctr
Godwin & Sudley Rds
Use: Office/B-T-S/Retail
400,000 Sq Ft • Avail: TBD
Contact: RDS
Phone: (703) 893-1930

MANASSAS • $TBD
Signal Hill Prof Ctr
Liberia Ave
Use: Office/B-T-S
45,000 Sq Ft • Avail: TBD
Contact: McMahon Co Inc
Phone: (703) 631-9037

MANASSAS • $TBD
Shopper's World
Liberia Ave & Signal Hill Rd
Use: Office/B-T-S/Retail
131,900 Sq Ft • Avail: 8/89
Contact: John F McMahon Co
Phone: (703) 631-9037

MANASSAS • $5.50-6/Sq Ft
Birmingham Bus Ctr
Phoenix Drive
Use: Office/R&D/Ind/Retail
20,000 Sq Ft • Avail: Now
Contact: Weaver Bros
Phone: (703) 378-1300

MANASSAS • $8.90-10/Sq Ft
Wellington Bus Ctr
8820-8910 Rixlew Lane
Use: Office/Ind/Retail/Whse
90,000 Sq Ft • Avail: Now
Contact: Zalco Realty
Phone: (301) 495-6600

MANASSAS • $13.50/Sq Ft
First VA Bank Bldg
7900 Sudley Road
Use: Office
25,000 Sq Ft • Avail: Now
Contact: Gran-Mark Mgmt
Phone: (703) 368-2415

MANASSAS • $TBD
Manassas Plz Ctr
Sudley Road
Use: Retail
25,000 Sq Ft • Avail: Now
Contact: Combined Properties
Phone: (202) 293-4500

MANASSAS • $TBD
Manassas Bus Pk
Sudley Rd & Godwin
Use: Office/Retail
400,000 Sq Ft • Avail: TBD
Contact: RDS
Phone: (703) 893-1930

MANASSAS • $5/Sq Ft
Bellro Building
Vanson Court
Use: Office/Ind/Whse/Condo
24,699 Sq Ft • Avail: Now
Contact: Bellro LP
Phone: (703) 450-0166

MANASSAS • $TBD
Maplewood Square
Route 28
Use: Office
30,300 Sq Ft • Avail: 8/89
Contact: HMM Inc
Phone: (703) 643-1661

MANASSAS • $TBD
William Center
I-66 & Rt 29
Use: Office/R&D/B-T-S
1,500,000 Sq Ft • Avail: TBD
Contact: Hazel/Peterson Cos
Phone: (703) 352-3000

MANASSAS • $TBD
66 Corporate Ctr
Rt 66 & Balls Ford Rd
Use: Office/Ind/B-T-S/Whse
TBD Sq Ft • Avail: TBD
Contact: RDS
Phone: (703) 893-1930

PRINCE WILLIAM COUNTY
OCCOQUAN

OCCOQUAN • $22-25/Sq Ft
Harbour Pt Corp Ctre
I-95 @ Gordon Blvd
Use: Office
250,000 Sq Ft • Avail: 1/90
Contact: Calvert Prop Co
Phone: (703) 643-5080

PRINCE WILLIAM COUNTY
WOODBRIDGE

WOODBRIDGE • $22.90/Sq Ft
Madison Square
1308 Devils Reach Road
Use: Office
34,493 Sq Ft • Avail: Now
Contact: Madison L&M
Phone: (703) 690-5926

WOODBRIDGE • $5/Sq Ft
Wrench Whse
15001 Farm Creek Drive
Use: Office/R&D/Whse
37,000 Sq Ft • Avail: Now
Contact: Mt Vernon Realty
Phone: (703) 739-0066

CULPEPER COUNTY
CULPEPER

Map A-8 • $TBD
Mulberry Commons
Rt 29 & Sunset Lane
Use: Office
60,000 Sq Ft • Avail: Now
Contact: Alphin Corp
Phone: (703) 825-0014

The Journal Messenger

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VOL. 119 NO. 134 SATURDAY, SEPTEMBER 3, 1988

Letters to the Editor

Manassas Battlefield Should Be Saved

To the Editor:

We, here in Texas, are just now learning of the proposed shopping mall to be built on the Manassas Battlefield site. I do hope I am not too late in protesting the desecration of a historical site of national significance for such a short-sighted (indeed, stupid) development. Do the people of the country realize there are Union soldiers buried there along with Confederates? Surely to goodness, someone can stop the Prince William County supervisors from their intent to violate this battlefield site!

One can imagine the outcry if those same developers, with the connivance of local authorities, proposed to turn the Alamo into a boutique featuring "Texana." Though the Alamo is sacred to all Texans it is recognized as a national and international shrine and so it is with the Manassas Battlefield site. In Europe there are many Civil War buffs who would be shocked and dismayed that our country would allow such a crass proposal to become a reality all in the name of "economic development."

I'd just as soon do without another shopping mall which will either be broke and abandoned in a short time (the landscape of Texas is dotted with such), or a blight on the countryside due to sheer ugliness.

I hope the Manassas Battlefield site can be saved for all Americans!

Coleen Moore Swantner,
President, Capt. Charles
Schreiner Chapter, UDC
Kerrville, Tex.

(Editor's Note: The William Center mall is proposed adjacent to the Manassas National Battlefield Park. People outside Virginia have been misled about the location of the mall. They believe the mall is proposed to be built on the park site.)

Member of UDC Protests Mall

(Editor's Note: The following letter was written to Texas Sen. Lloyd Bentsen, who is running for vice president of the United States on the Democratic ticket.)

To the Editor:

This letter is in protest of the proposed shopping mall adjacent to Manassas National Battlefield and to stop federal approval of an Interstate 66 interchange to serve it in Virginia.

I am a member of the United Daughters of the Confederacy. I have asked my fellow members and anyone with any Confederate blood in them to please write their senators and congressmen in helping us preserve our heritage. If they continue to destroy our historic sites what will become of our Confederate history?

Please reconsider before signing anything that prohibits the preservation of any part of the Manassas National Battlefield Park, and we ask that you support the passage of HR 4526.

Eva Long
Recording Secretary
General Ben McCulloch
Chapter of the United
Daughters of the
Confederacy
Austin, Tex.

Our Editorial Policy

The Journal Messenger welcomes letters and guest columns from our readers for our editorial page. All opinion pieces must be signed, and contain an address and telephone number where the author can be reached for verification. No anonymous nor letters to third parties will be published. Publication of the letters and guest columns does not signify that the viewpoints expressed are those of The Journal Messenger. Letters can be sent to: Editorial Page Editor, 9009 Church St., P.O. Drawer 431, Manassas, Va. 22110. We reserve the right to edit for brevity and clarity.

News Release
National Trust for Historic Preservation
1785 Massachusetts Avenue, N.W., Washington, D.C. 20036 (202) 673-4141

FOR IMMEDIATE RELEASE

CONTACT:
Ruth Lyn Thompson (202) 673-4141
Ian D. Spatz (202) 673-4254

NATIONAL TRUST JOINS FIGHT TO PRESERVE MANASSAS BATTLEFIELD

Washington, D.C., May 5, 1988 . . . The National Trust for Historic Preservation today announced a national campaign to protect the Manassas National Battlefield Park and other battlefield and historic landmarks threatened by development.

Calling plans to build a 1.2 million square foot regional shopping mall on the Manassas (Bull Run) battlefield in Prince William County, Va., a "national tragedy" that must be avoided, J. Jackson Walter, president of the National Trust for Historic Preservation, pledged the National Trust's assistance to local activists, organized as the Save the Battlefield Coalition, fighting to protect the battlefield. At the same time, Walter called on Congress to enact legislation to protect Manassas and other battlefields and historic sites.

The giant mall proposal is a "direct and immediate threat to the historical integrity of the Manassas battlefield," Walter said. "This isn't just a local issue. It affects all Americans who value their heritage and want to see it preserved."

Citing a "groundswell of public outrage over the prospects of a 'Battlefield Mall,'" Walter committed the 215,000 member, Congressionally-chartered organization to protect the Manassas battlefield and other historic sites.

MORE

In a special mailing, Walter urged National Trust members to join in a petition campaign to Congressional leadership, calling on Congress to enact legislation protecting Manassas and other battlefields and historic sites from encroaching development. Walter also asked for financial support that the National Trust can use to support the local Save the Battlefield Coalition and to save other historic sites.

Retired U.S. Marine officer Annie Snyder, head of the Save the Battlefield Coalition, said, "Support from the National Trust for Historic Preservation is welcome news. This is a hard preservation fight at the local level, and we are very pleased and grateful for any support we receive from the National Trust and from the Congress."

Walter called on Congress to set hearings on the Manassas threat and to develop legislation that would protect Manassas and other nationally significant battlefields and landmarks. "If Manassas battlefield can be turned into a shopping mall then no part of our national heritage is safe," Walter said.

The National Trust for Historic Preservation is the only private, nonprofit membership organization chartered by Congress and dedicated to the preservation and continued use of America's historic heritage.

# # #

WITHOUT YOUR SUPPORT, THE SOLDIERS WHO DIED AT MANASSAS WILL BE TURNING OVER IN THEIR GRAVES.

As you read this plea, bulldozers are razing a sacred place in American history. A place where the blood of over 28,000 men was spilled in two valiant struggles which would determine the fate of the American republic.

It was here in 1861 where the first major battle of the Civil War took place. In July, a Union force of 30,000 men attacked a slightly larger Confederate Army, convinced that they could stop this insurrection in three short months. Thirteen months later another battle took place with staggering casualties.

In all, 4,096 men died during the battles. 18,672 were maimed, many to die there later in agony. 5,581 men were never heard from again. Indeed, the slaughter was so great that the bodies were piled into mass graves. Many who died here were not men at all. They were little more than boys doing what they thought was right.

If developer John T. Hazel has his way, the tranquil 542 acre tract at Manassas Battlefield will be transformed overnight into a snarling traffic jam adjacent to a huge office park and shopping mall.

Acres and acres of wetlands, beaver dams, rare plants, and the delicate ecology of this national historical site will no longer pay tribute to the men who paid the ultimate price for their country. Instead, it will pay tribute to plastic watches, fastfood, movie theatres and video stores.

Is a shopping mall how we remember the soldiers who fought so bravely here? And if Manassas battlefield can be turned into a parking lot, then is any part of our heritage safe from developers?

Help us stop the "progress." Attend the Rally on July 16 at Manassas National Battlefield Park from 9-4. And return the coupon with your contribution.

Save the battlefield from development. From shopping malls and office complexes. Enclosed is my contribution of $______

Name ____________________

Address ____________________

City __________ *State* ______ *Zip* ________

Phone ____________________

SAVE THE BATTLEFIELD COALITION.

Send to Save The Battlefield Coalition, P.O. Box 110,
Catharpin, Virginia 22018

Engravings and Posters donated by Graphics 3 engravers, Richmond, Virginia (804) 788 4333

Senator **Bumpers**. Thank you, Ms. Bradburn. Mr. Hazel, if I could see that photograph again.

Mr. **Hazel**. Yes, we have small versions to leave with the Committee.

Senator **Bumpers**. I have one. I just wanted to use that one for purposes of questioning. Now, as I understand it, your company only owns 400 and some acres?

Mr. **Hazel**. That is correct. That is all we have ever owned.

Senator **Bumpers**. You never owned the other?

Mr. **Hazel**. We did not. We had a contract. To be totally correct, we had a contract with the Marriott Corporation to buy 542 acres. We assigned that contract to Northern Virginia Homes and they took their piece out and conveyed the balance to us after settlement.

Senator **Bumpers**. So you had a contract for the entire amount? You assigned the contract to Northern Virginia Homes and then you, well, in effect, you all just divided it up. They took that hundred and some acres. How many acres was it?

Mr. **Hazel**. About 150.

Senator **Bumpers**. About 150?

Mr. **Hazel**. Yes, sir.

Senator **Bumpers**. Well, I do not know. And as a trial lawyer who has tried condemnation cases, and if you do not want to answer this, I am not going to insist that you answer it, but you have heard a lot of talk here today about what you paid for this property.

And are we talking about what you paid or what you and Northern Virginia Homes together paid?

Mr. **Hazel**. The contract on the 542 acres was somewhere between $9 and $10 million. We think that has little or no relevance to current market value for a number of reasons.

Senator **Bumpers**. I am sure it does not. And as a matter of fact, I do not know how the law is up here. Normally the purchase price is not admissible in evidence in a condemnation case.

Mr. **Hazel**. I think there has been such a change in the character of the property since we acquired it that it has no relevance and very well might not be admissible.

Senator **Bumpers**. Now, from the looks of the map, there, it looks like work is proceeding on both tracts.

Mr. **Hazel**. That is correct. The portion that is on the Hazel-Peterson tract consists of three principal areas. First, the extension of utility lines, which come up from the south; secondly an entrance road which we agreed to build to service the residential since it also eventually would service the commercial.

And third, in the north central portion, a connection through our commercial property to 29, which the Board of Supervisors in Prince William requested so that construction traffic coming in to build the houses would not have to access over Groveton Road. And that is a commitment that we have with the County to build that access point.

Senator **Bumpers**. Now, what is the elevation of Stewart's Hill or Stewart's Ridge, there? That is the western most part of that, right?

Mr. **Hazel**. I cannot give you a geodetic number, but this is a flat tract with the exception of the ridge. Okay, it is on there. Stewart's Ridge, I call it the Ridge; the military crest of the hill was up at the far end and that is the obvious place where the Henessey maps locate the lead camp. But it is really a ridge.

And the rest of this tract is relatively flat. The elevation of Stewart's Ridge is—the base on the mall is to be 310 feet and the base over there is 265. There is about a 60 foot difference in the ground elevation between the two.

And when you move around to 66, you are also located beyond a ridge and beyond a considerable tree cover that protects it from the Brawner Farm sight.

Senator **Bumpers**. You heard testimony today that the work there by bulldozers and so on is proceeding at a rather frenetic pace, 24 hours a day, under floodlights. Is that correct?

Mr. **Hazel**. Well, again, you have to listen to my response to get the answer. The home builder, that is not Hazel-Peterson, had framing crews working by the piece. And just before the Labor Day weekend when you are working by the piece you do all you can.

And I understand that they worked until late a couple of nights, whether that was deliberate, whether that was to get the day off for Labor Day weekend or not, I do not know.

As far as the tunnel crews that were working through our subcontractor to extend the tunnel, they were working two shifts a day because tunnel work does not lend itself to the typical 8-hour shift.

And they were working two 6-hour shifts, if I understood it right, because once they were in with the tunnel work, they wanted to complete the tunnel. And in order to keep the men fresh they worked two 6-hour shifts and because of that there were some nights that they were working in there with lights.

Senator **Bumpers**. That was for the sewer line?

Mr. **Hazel**. That was for the sewer and water lines coming under 66. As far as I know, none of what I consider the routine construction was worked other than an 8- to 9-hour day, and I do not think that any of it of substantial nature was even done on Saturdays.

Senator **Bumpers**. Does Hazel-Peterson have any interest or ownership in the tract immediately west of this?

Mr. **Hazel**. Yes, sir, we own one quarter interest. There is a family situation, four children. The children are now in their sixties, and I think maybe even one of them in their seventies. The tract has been a difficult one to talk about acquisition.

We did acquire a quarter interest. We have been——

Senator **Bumpers**. That means you bought one of the children out?

Mr. **Hazel**. We bought one of the children.

Senator **Bumpers**. Do the other three children still own the other three fourths?

Mr. **Hazel**. The other three children still own the other three quarters.

Senator **Bumpers**. Have you filed a partition suit?

Mr. **Hazel**. We have not yet done that.

Senator **Bumpers**. Do you anticipate doing that?

Mr. HAZEL. If we do not acquire by negotiation. We have spent three years of very intense negotiation in trying to acquire that tract, and frankly we were hoping we could acquire it prior to the culmination of this event today, but that proved completely beyond reality, and consequently we have put that on the back burner.

Senator BUMPERS. Do you have a contract with DeBartolo now?

Mr. HAZEL. No, we do not. We have an agreement which we think is sufficient. It is not a written contract. The essential negotiations are resolved. When the issue began to be high profile, we thought we had better just wait and see where the whole thing went rather than try to press it to a final written document. But we have the outlines of the transaction.

Senator BUMPERS. Did you feel constrained to proceed with work on the site even after the House bill was passed?

Mr. HAZEL. Well, Mr. Chairman, without being threatening or difficult about it, we do not think that that was justified. We do not think that there is any requirement on us to slow down with work. Most of the work that we have done today was under commitments, all of it was under commitments with others.

But even if we had not had those commitments——

Senator BUMPERS. Do you mean commitments with some contracting companies or construction companies?

Mr. HAZEL. Commitments to the residential builders and Prince William County, and finally we have owned the site for three years. It is our plan to put it in the development process. And we saw no reason to change that plan.

Senator BUMPERS. Well, there is certainly no legal requirement that you not go forward and I understand that, and as a matter of fact, frankly, I think if I were your attorney I would tell you to be working 24 hours a day.

Mr. HAZEL. It has been a hot summer. It is tough enough to keep the crews there 10 hours a day.

Senator BUMPERS. Now, you originally, I think you agreed or at least had some tentative understanding with Secretary Hodell about moving the mall off Stewart's Ridge?

Mr. HAZEL. That is correct.

Senator BUMPERS. Now that did not also include the donation of the 35 acres up in the northwest corner there, did it not?

Mr. HAZEL. That did not. That included the demarkation of the two home sites which are simply foundation ruins that are below the grade level and you have to dig them up with an archeological dig to find them.

And we told the Secretary we would discuss some several acres for an overlook. But I had to assume that that conversation was abandoned when nothing really came of it.

Senator BUMPERS. As far as you are concerned, is that deal off?

Mr. HAZEL. Well, it is not operative now, because we literally have nobody to talk to.

Senator BUMPERS. You would still be ready to sit down and talk about it?

Mr. HAZEL. We would be ready to talk about that. We would be ready to talk about the other deal we proposed, which have put on the board, called Option A.

Senator **Bumpers**. Did you know at the time you purchased this property about the two field hospitals on that property?

Mr. **Hazel**. We knew the two houses were there. The two sites, and we, in the negotiation with Prince William County, agreed to place some protective arrangement around those and demark those sites

Senator **Bumpers**. Have you discovered any bodies buried on this property?

Mr. **Hazel**. We have done extensive investigation and have discovered absolutely no bodies or no trace of graves from any of the military operations. We think there is a possibility that there is a three or four grave family cemetery associated with the Lewis house, but we are not sure of that.

We did extensive investigation including a lot of digs, pursuit of all sites that were alleged to have been there, pursuit of the records of graves, registration from both armies, because we were met with that allegation.

And we did an enormous amount of material on it, several hundred thousand dollars worth of work; all of that was done under the supervision of the County Archeologist and all the reports have been filed with the County.

And in some ways, more compelling as a suggestion that there is nothing in fact there that can be discovered, this site has been overrun with metal detector weekend relic hunters, and since we started construction we closed the site because of the obvious problems of construction.

But for two years we allowed a free run of the site, and it had been the site of much of that before. And, to the best of my knowledge, nothing—and I emphasize nothing—of any significance in the way of relics or material has been discovered, and clearly we have not been able to discover any graves. And none of the people who have alleged that there were graves on this site have produced any basis for that allegation.

Senator **Bumpers**. You heard Dr. McPherson today allude to the two field hospitals?

Mr. **Hazel**. Yes, sir.

Senator **Bumpers**. Have you excavated around those sites?

Mr. **Hazel**. Yes, sir.

Senator **Bumpers**. And you found nothing?

Mr. **Hazel**. We found nothing.

Senator **Bumpers**. How extensive were your excavations?

Mr. **Hazel**. I did not review the site. I would put it this way, we paid for a lot of excavation. I did not look at the excavations personally, and after we made the excavations the site was again inundated by relic hunters, and they started destroying the foundations such as they were, and we covered them back up, because we thought that was the best way to preserve them.

We did find the records of the disinterment of a number of remains and burial in both national and——

Senator **Bumpers**. Where people were disinterred and reinterred elsewhere?

Mr. **Hazel**. Yes. Naturally I was astounded with the casualty list that the battles produced, how few were still missing, and I don't want to start quoting numbers, but it is in the several dozen to 100 in the whole deal. And one of the things that was brought to our attention is that despite the problems of the Confederacy in the last years of the war, this was still at the time when the Confederacy had a fairly stable organization, and they owned the ground after the battle and much of the Confederate disinterment occurred immediately after that.

The Union army came back later and conducted major searches of the site, actually all the way up into the early 1900's they were still out looking at the site.

Senator **Bumpers**. Have you had an opportunity to discuss Senator Warner's proposal with him?

Mr. **Hazel**. No, I have not. I frankly don't really understand it entirely. I listened to the discourse.

Senator **Bumpers**. So you're not prepared, I take it, to comment on it one way or the other?

Mr. **Hazel**. No, sir.

Senator **Bumpers**. Senator Warner.

Senator **Warner**. Mr. Chairman, I have known Mr. Hazel and most of his partners for many, many years, and I certainly confirm the fact that they have tried—and not only this project but many others—to work it out to the satisfaction and to the extent possible of all the parties involved, and I'm sure he has tried and I know firsthand in this situation to honorably work this thing out. And I do know because of my own research that he has conducted using the best historical people that you could locate, your own excavations and historical analysis and, as you say, it would cost you several hundred thousand dollars and the results were turned over to the county, and they're a matter of public record. And I did the very best I could with this plan.

Mr. **Hazel**. I'm sure.

Senator **Warner**. And I tried to get this space line, and I followed your testimony very carefully and made a note or two, and I think if I can go back and retrace it, it would help me to better understand what took place. And that is following the long analysis for the 1980 bill, which took place over 18 months, hearings in this committee, preceded by hearings elsewhere in the county and so forth.

We decided based on the evidence presented to the Senate not to incorporate this tract of land, the Williams tract, together with the other parcel. That I think Dwight Sharr owns with his firm into that 1980 legislation. It was just not the testimony brought before this body on which to predicate a purchase of that land as a part of that bill. Someday we may be able to discover why, but in any event we didn't do it. And the evidence is not in the record.

So, subsequent thereto, you relied on the record before the Congress, presumably the record before various tribunals of the county.

Mr. **Hazel**. And the master plans of Prince William County.

Senator **Warner**. And the master plans and you formulated certain business judgments and then worked with the county, the park and others to develop a plan which you then together with the county began to subject to public scrutiny through a hearing process and eventually a zoning decision was made.

Mr. **Hazel**. Correct. And if I'm right, add a footnote.

Senator WARNER. And if you could clarify, how do you describe that plan that was the evolution of that process?

Mr. HAZEL. We represented to Prince William County and to all others that we would do our best to duplicate a Fair Lakes-type project which has been a national award-winning project of significance. That project consisted of some six million feet of space, 1,700 units, and even though it was almost next door to one of the largest malls in the country, we still agreed to have between 600,000 and 800,000 feet of retail. When we represented it would create—that we would create a Fair Lakes-type project here, we intended to do exactly that, even though it's about half the size of Fair Lakes, we had a major retail component, a major office component, and a major residential component.

Senator WARNER. Let me go back to this process relating to this particular tract of land which took place from, say, subsequent to 1980 through the fall of 1986. Is there a point at which there was an identifiable action taken by the county?

Mr. HAZEL. November of 1986.

Senator WARNER. And how would you characterize that?

Mr. HAZEL. That was the rezoning action of the county, and that produced—I think we furnished proffers which carried the zoning plat and the development plan, and that was the ultimate document which was produced by this process.

Senator WARNER. So, it is known as, once again, the November——

Mr. HAZEL. I think it was November 16th, 1986. That was the rezoning action. That was the enactment by the Prince William County Board of Supervisors after the hearings before the Planning Commission of the zoning ordinance which attaches to the William Center tract.

Senator WARNER. And that was then made public? Of course, it had been through a public process.

Mr. HAZEL. It had been public in every way we could publicize it.

Senator WARNER. Now, that particular plan did not incorporate the mall.

Mr. HAZEL. It did not have anything incorporated except the residential area which we did because of the ability to identify what the units would look like. The entire rest of the site was simply listed as nonresidential, and when you refer to the ordinance, it said, among other things, retail and office.

Senator WARNER. So, there was no representation at that time publicly with reference to the specifics of how that should we say the commercial would be developed?

Mr. HAZEL. There was no representation through any of the proceedings during the entire year of 1986 that there either would be a mall or would not be a mall. There was simply reliance on the nonresidential use section of the zoning ordinance.

Senator WARNER. Now, if we could for the purposes of discussion put the mall over to one side, had you gone forward with that plan, at what point would you have acquainted the county and the public with the specifics of how that development in the commercial area would have taken place?

Mr. HAZEL. When we filed site plans.

Senator WARNER. When you filed the site plans?

Mr. HAZEL. For various parts of it, and that is exactly what occurred here in the early part of 1988. We filed the site plan showing the mall location.

Senator WARNER. I see. So, when the first specific information with respect to how that commercial area would be developed was made public, it incorporated the mall?

Mr. HAZEL. Correct.

Senator WARNER. So, at no time is there any based upon your representation, a basis for an allegation that there was a misrepresentation or deception allegedly perpetrated by you or others in how that property would be developed commercially?

Mr. HAZEL. Correct. And as you know from your knowledge of me personally, I'm very sensitive to what I consider fundamental integrity problems, and that is an allegation that attacks our fundamental integrity, and we reject it vehemently.

Senator WARNER. That goes back to your father whom I had the privilege of knowing.

Mr. HAZEL. I realize that, and I did get certain traits from him.

Senator WARNER. That I know well.

You've heard the allegation that there was misrepresentations. What, if any—what is the basis of those allegations?

Mr. HAZEL. I don't really understand that.

Senator WARNER. But you've heard them?

Mr. HAZEL. In the first discussion, and I'm talking about—and this is where you picked up the April date—before we had a chance to explore any of the land uses in any depth or listen to any of the objections and at the time we were saying specifically we will create a Fair Lakes-type project which included a major retail segment. The word office park had been associated with it.

Now, you can interpret anything you want out of office park. Fair Lakes is listed in the Urban Land Institute jargon as an office park. It also includes an 800,000 square foot retail component with hotels and so on. We said it was an office park like Fair Lakes, and beyond that we could say nothing else.

When you have a site of 550 acres, 3 million feet and only 20 percent of it is devoted to a mall, it does not seem to me that that is a great driving force, particularly when the whole project including the mall is a very low density project which was designed that way to provide a lot of tree cover and open space and so on.

Senator WARNER. If the chair would indulge me.

[Pause.]

Senator WARNER. Well, I understand now somewhat better than I did before this hearing what took place, and that has been the value of this hearing certainly to the senator, because I was somehow under the impression that there was a fairly detailed understanding publicly in the county and otherwise as to how this commercial area would be developed, that that detailed representation had been accepted by all in the area and had there not been a mall superimposed, that plan would have gone forward. But I've now learned there was never such a plan in such detail.

Mr. HAZEL. Correct.

Senator WARNER. And what this was a fluid situation completely permissible under the local regulations and so forth, and that you sequentially began to make known publicly how these commercial bits and pieces would be assembled and that at some point in time you included the mall.

Mr. HAZEL. Right. And the driving force, if I might be permitted, the driving force for that was to find some use that would make the Gainesville region in Prince William County come alive in this area because it was not known for that kind of use to be totally blunt, which is sometimes my shortcoming.

Prince William County in the west is known for what I call ten truck terminals, and they wanted to upgrade their development and the level of quality and the intensity of it, and the best way to do that—in fact the only two ways to do it—were either through an extensive national headquarters complex that came in at one shot such as TRW did, or a regional retail mall.

Senator WARNER. My plan as laid out just sort of envisioned we would go forward with such development as was permitted or is permitted by county regulation of any type less the mall. If the Senate were to try and follow such a plan, what might be built there absent the mall to make this a viable economic entity?

Mr. HAZEL. Well, I think without the mall it would be a very difficult entity, particularly with access problems that I can't anticipate, and I frankly think your plan would invite a major damage award to the remainder of the tract.

Senator WARNER. To yourself, namely your company?

Mr. HAZEL. Correct, particularly if you couple it with uncertainty of a road access. I think it is a lead pipe cinch for damages of a significant percentage on whatever is left, and I don't say that threateningly. I just think it is a realistic issue, and the one thing this hearing has done, with your indulgence, is allow some of these efforts to surface when I hoped they are not being dissipated by the emotion of the cameras.

Senator WARNER. Mr. Chairman, I may return to some questions.

Senator BUMPERS. Thank you.

Senator Trible.

Senator TRIBLE. Thank you, Mr. Chairman. Let me just take this opportunity to share a few thoughts on the matter.

First of all, I want to observe that you've often said that I am Arkansas' third Senator because my wife, Rosemary, is a native of your great state. I think it's very clear that where you sit today you are Virginia's third Senator in this matter, and I want to thank you for taking this time for you're obviously going the extra mile to give this matter every thorough consideration.

And to my colleague, John Warner, he's been a leader for a decade now in preserving this battlefield, and he has put before us a thoughtful proposal.

I have three concerns about the proposal of my colleague. First is the matter of cost. The Warner proposal, in my judgment, is probably not much less costly than a taking of the entire property. It's true that my colleague's proposal would take only 136 acres instead of 542 acres. However, it would take the most valuable property, those lands along the Route 29 corridor, and it would obviously have an adverse impact on the remainder of that property.

Second, it is imperative in my judgment that we address the principal problem facing the park, and that is the intrusion of thousands of vehicles along Route 29 and 234. I believe that we have to address that problem. And if this committee and Congress are to take action, the Congress should provide adequate funding for the building of the bypass and for meeting those transportation requirements.

Third I must confess I'm deeply troubled by the federal government taking a part of the property and leaving part of the property in the hands of private owners but then mandating what that private owner and the local government should do. I'm too much of a Virginian, and especially as someone who aspires to be governor of the commonwealth of Virginia to think that is the proper way of approaching this problem. I don't think the federal government should be in the land use business, especially under those circumstances.

Now, having said that, I think first of all we all agree that prompt action has got to be taken. This matter has been in limbo too long, and that's unfair to all the parties, and I thank you for calling this hearing promptly. I know it's your intention to meet with the committee and perhaps mark up a bill as early as next week, and I urge you to move forward and see if there is a consensus on what should be done.

If the committee is going to take action, I believe the Wolfe approach, the approach taken by the House of Representatives ought to be pursued. There are a number of elements that I think are important here. First, there ought to be a legislative taking. These properties ought to be taken and just compensation paid and paid promptly.

Second, in my view, we should take all the property or none of the property. This land does not lend itself to division either in historic or economic terms.

Third, Mr. Chairman, I would hope that if this committee acts it would see fit to provide adequate dollars to meet the obvious transportation requirements to build that bypass and in no way take action that would prevent construction of an interchange or the other actions by the local and state governments that are essential to dealing with the problem of vehicular traffic, crisscrossing that battlefield. That I think is a substantial problem.

So, I thank you for your indulgence in permitting us to take part in these deliberations, and I thank you for your thoughtful approach, and I look forward to working with you and the committee and my colleagues in trying to shape an appropriate response if, indeed, the committee and the Congress acts.

Senator **Bumpers**. Well, Senator Trible, I appreciate your comments and you've sat here very patiently all day waiting to make that statement, I guess, and after hearing the testimony perhaps you've reached that conclusion today as you listened to this. But, in any event, I think it is a rather statesmanlike position for you to take, Senator Warner. You said that you might have some additional questions?

Senator **Warner**. Well, my good friend has discussed with me as he always does his thought processes as he went along, and I respect him for it, and I respect him for the position he has taken to support the Wolfe approach.

It is just that I looked at it very carefully, and I have sought as best I know how to reach some compromise because while my bill has a cost figure which I cannot isolate although I tried as diligently as possible, I can't help but believe if you take one quarter of the tract, then there's some value left to the other three-quarters. And also my bill just gets enough money to do that interchange which is integral to Prince William County. And I think we need further study as called for in the Wolfe bill before we try and address further monies. But I join and I commend Mr. Trible that we have had very few differences in our 6 years here together, but I still am concerned about the cost of this legislative taking.

And while I looked at that Wolfe proposal many times, you have the President solidly stating he's going to veto it. And while there may be some override votes in the House, I've been doing a little calculating. 307 votes gives a margin for an override. I don't know if I or anybody else can predict what would be done in the Senate, if this committee were to report out a parallel piece of legislation to the Wolfe bill and we would be confronted with that veto override situation.

I guess what drove me finally to try to reach a compromise was my concern about the historical aspects of this tract. I don't see any magic to this question of dividing the tract. I think it can be divided. I mean, we're talking about partitioning the tract down here that Mr. Hazel has bought part of it. I mean, those tracts have been divided and partitioned for years and years.

We shouldn't get trapped into the thought that this is the way you must track, and it's all got to be dealt with as a whole or it can't be dealt with in parts. I won't subscribe to that. I think we can apply our wisdom and perhaps with this hearing behind us, the historians can give us some thought as to what are the major historical parts of that thing, and could they not be preserved leaving whether it's a quarter or two-thirds or something for future development so that Prince William can have that as a tax base.

I mean, the Williams approach is just going to be devastating—not the Williams, the Wolfe approach to me is very devastating to the county and its future plans, and that is why I tried to drive this rather difficult partition. I still think we can look at this thing in terms of partition and try and get the best parts of both compromises here, the historical compromise and the county's compromise and as best we can to protect the interest of the property owners like Mr. Hazel.

So, I haven't abandoned trying to work out my approach, and I will see what I can do to refine it so that it can be better understood because we've got that veto, Mr. Chairman, and I say to my good friend, Mr. Trible, that veto would leave us in a great state of uncertainty for a prolonged period of time because this Congress doesn't come back until February or March and having been here now, that would be my ninth or tenth year, whatever it is, or eleventh. We don't do much in those first few weeks around here.

Senator BUMPERS. There's some who don't think we do much after that. [Laughter.]

Senator WARNER. So, those are the options and it's not easy, and I thank my friend, Mr. Hazel, and his colleagues for coming here and being so forthright today as have all the witnesses, and I thank you, Mr. Chairman. You have endured one of the records around here. That's 6 continuous hours. You offered to give me a hearing, and you gave me more than that.

Ms. **Bradburn**. Senator Warner, may I add something?

Everyone seems to be concerned about cost and no one seems to know what the answer is, and I certainly don't either. In my package, however, you will see a page from Regardie's magazine recently where it states two properties of comparable zoning to William Center just down the street from them and one is selling at $17 per square foot, and one is selling at $17.50 per square foot.

Senator **Warner**. What would that translate out for this——

Ms. **Bradburn**. I don't have a calculator.

Senator **Warner**. We're over $100 million on that, aren't we?

Ms. **Bradburn**. At $4.50 a square foot you're looking at $105 million, so if you can multiply that.

Senator **Warner**. Well, I was given quite frankly a map of this area with comparables as of the last 6 months, and those facts are out there, and I agree with you, we can establish the values and the representations made here today that this Williams tract in its entirety is worth somewhere between $60 and $100 million can be established. And we have the history of the Brawner tract that came in for several hundred thousand and then cost the Federal Government several million.

But I would just close with the observation I don't see any magic to the boundaries of the particular tract. I think that subdivision could be done where you might get the best approach from all the parties here.

A **Voice**. According to my calculator, that's $304,920,000.

Senator **Bumpers**. I had $328 million. How many acres are we talking about here? Do you want to sell right now, Mr. Hazel?

Ms. **Bradburn**. On the other hand, as a taxpayer I don't think I would vote to give that kind of money to Mr. Hazel for not developing. I am in the middle.

Senator **Bumpers**. He's a nice guy. He's entitled to something.

Ms. **Bradburn**. He's a wonderful guy, and he can build it on the next tract. The problem is where does it end. You know, if he goes on to the next tract, will that then become a historical piece? And where does our boundary line for the battlefield end? We have 4,500, over 4,500 acres of beautiful park land, most of which is not used, most of which is inaccessible at this time.

If all of that land were used, that would be more than anyone could enjoy.

Senator **Bumpers**. Ms. Bradburn, you want to know where it's going to end? It's going to end right now. [Laughter.]

Senator **Warner**. Mr. Chairman, if I may just say I think it is important to the extent Mr. Hazel might give us his expert advice. There are other tracts in the area that lend themselves to the mall construction, are there not, and they're in this immediate area?

Mr. **Hazel**. There's the one next door.

Senator **Warner**. So, if we were to do a legislative taking of the whole piece and pay that big bill through the taxpayers' nose, there's nothing to prevent you or another person going right next door and building pretty much the identical mall.

Mr. **Hazel**. There's only a rezoning in Prince William, but that's right.

Ms. **Bradburn**. But then what would the Park Service system do with 500 acres of sewer and water and roads on it?

Senator **Bumpers**. The committee stands in recess.

[Whereupon, at 8 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

United States Department of the Interior
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 15 1988

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
WASHINGTON, D.C. 20510

Honorable Dale Bumpers
Chairman, Subcommittee on Public
Lands, National Parks and Forests
Committee on Energy and Natural
Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed are answers to the questions you sent to Secretary Hodel following the September 8, 1988, hearing on the Manassas National Battlefield Park addition. They include responses to questions from you and from Senators Wallop and McClure. These questions have been answered in writing, as requested, for inclusion in the Hearing Record

Sincerely,

Philip G. Kiko
Legislative Counsel

Enclosure

Celebrating the United States Constitution

MANASSAS

QUESTIONS SUBMITTED BY SENATORS MCCLURE AND WALLOP

(September 8, 1988)

QUESTION NO. 1

Question: I have read with some interest the document on the fiscal impact of the taking, and I find some of the statements a little curious. For example, you state that the cost would come from funds appropriated to the Secretary from the Land and Water Conservation Fund. Do I misread your statement or are you saying that the Department intends to ignore the priorities set forth in the statement of managers and view enactment as a legislative reprogramming?

Answer: This legislation creates a serious dilemma for me and my successors. It directs me to pay for land acquired at Manassas. My experts tell me that monies would have to come from funds appropriated from the Land and Water Conservation fund irrespective of direction within report language. I have attached an opinion from the Solicitor's office on this issue.

At the same time, I have an agreement with the appropriations committees that I will present a reprogramming when we deviate from their direction.

I want to alert this committee and would have to notify the appropriations committee that this legislation appears to create a situation that will not enable the Secretary of the Interior to abide by that understanding.

QUESTION NO. 2

Question: If that is the case, would you please indicate right now exactly what areas included in the Conference agreement on the Interior Appropriations bill you plan to reprogram without bothering to consult with the appropriations committees?

Answer: We are hopeful that the taking will not occur. As I have said, I would recommend a veto if H.R. 4526 is enacted in its present form. If the taking does occur, we would have to make a decision on what funds were available to pay for the property. We would expect to consult with the appropriations committees at that point to indicate what existing projects would be adversely affected before any payments are made from funds that were available at that time.

QUESTION NO. 3

Question: Does your view that the funds have to come from the Land and Water Conservation Fund (LWCF) necessarily limit the agency to the National Park Service or do you view this legislation as license to tap into land acquisition funds to other agencies, and if not, why do you draw the distinction since you seem to feel this is license to reprogram at will?

Answer: I am advised that only money appropriated from the LWCF to the National Park Service for land acquisition would be available, since this is a National Park Service land acquisition.

QUESTION NO. 4

Question: How much money from the Judgments on the 1978 Redwoods legislative taking were paid from funds actually appropriated to the Land and Water Conservation Fund and how much has come from the Justice Claims Fund?

Answer: $377 million was appropriated from the Land and Water Conservation Fund; $1.075 billion came from Claims and Judgments, as authorized in the 1978 law, for a total of $1.45 billion.

QUESTION NO. 5

Question: Do I read your position to be that whenever a final payment is made on Redwood to all parties you intend to each year reprogram whatever Land and Water Fund monies are appropriated to reimburse the Justice Claims Fund? If not, why don't you take that position since you believe that compensation for a legislative taking can only come from LWCF?

Answer: The Act that legislatively took land at Redwood in 1978 specifically provided authority to use the Claims and Judgment account to pay for the land taken. Therefore, there is no need to transfer LWCF monies into the Claims and Judgment account.

QUESTION NO. 6

Question: I do not want to minimize my concern that this is a real expenditure and a real cost, and I think you could make an argument that this is an additional appropriation and a debit should be entered against the remaining unappropriated balance in the Land and Water Conservation Fund, but I do not think you can argue that this is an automatic reprogramming. For example, would your position be the same if we had not appropriated any funds at all to the Land and Water Conservation Fund? Do you seriously believe that the United States can avoid its Constitutional obligation to pay just compensation by refusing to appropriate any money to the Land and Water Conservation Fund? Have you suggested to the claimants in the Redwood litigation that unless they compromise the judgment they will never receive any money because we are not likely to appropriate over a billion dollars?

Answer: Congress has appropriated money from the Land and Water Conservation Fund and the Department has unobligated balances available. At the time of the condemnation, the liability is created. According to the Justice Department, in the event of a legislative taking, and in the event of litigation on value, a deposit at the outset of litigation is not mandatory. However, I have also been advised by Justice that in the event of such litigation, if funds were available and the estimated value of the property determined, that Justice would choose to make such a deposit with the Court. This would prevent the accumulation of interest. We agree that there is a constitutional obligation to pay just compensation, and we have to reflect an obligation of funds for this purpose, otherwise we'd be in violation of the law.

We have not researched the question of what would happen if no money were available; the General Accounting Office did address this question in its opinion on the Congaree taking, a copy of which has been supplied to the Committee.

The Redwood situation, as I noted earlier, is different because that Act provided specific authority to use the Claims and Judgments Fund.

QUESTION NO. 7

Question: What is your view of the constitutionality of the designated interest rate mandated by H.R. 4526 in the light of the court decisions in the Redwoods case?

Answer: I would defer to the Department of Justice on the question of constitutionality.

QUESTION NO. 8

Question: Mr. Secretary how many battlefield parks are in the system and how many contain all of the ground on which there was actual fighting?

Answer: There are 35 battlefield units, only 6 of which contain all the area on which there was fighting.

QUESTION NO. 9

Question:	How many national battlefield sites currently have inholdings? What is the extent and cost of acquisition?
Answer:	There are private inholdings within eight Civil War park areas, totalling 1,882 acres. The estimated cost of acquiring these lands, with the exception of one area (Antietam) where we have no estimate, is $14,667,000.

QUESTION NO. 10

What would be the Department's view of these inholders if all of a sudden one or more decides to develop their lands?

ANSWER: We would work with each landowner on a case-by-case basis.

QUESTION NO. 11

Question:	At Manassas how much of the land on which fighting occurred is presently within the park?
Answer:	All of the battlefield associated with First Manassas (Bull Run) is within the current boundaries, and approximately 90 percent of the land on which there was fighting during Second Manassas.

QUESTION NO. 12

Question: There are other battlefields and historic sites within the system currently or about to be touched by the numerous problems with urban encroachment. Of these areas where does Manassas National Battlefield Park fit into the priority of a national agenda for needed land acquisition?

Answer: Among the Civil War areas where land acquisition could be considered, Manassas would rank fourth behind Antietam, Richmond, and Fredericksburg-Spotsylvania. Among other historic battlefield sites it would rank below Custer Battlefield and Big Hole Battlefield, both in Montana.

QUESTION NO. 13

Question: Are there any battle-related burials on the William Center tract?

Answer: The National Park Service informs me they have no knowledge of any graves on the tract.

QUESTION NO. 14

Question: Can you point out those sites within the William Center tract which would be considered significant vis-a-vis the battle?

Answer: See answer to question no. 16.

QUESTION NO. 15

Question:	Of those sites within the 600 acres, how much acreage are we talking about?
Answer:	Approximately 140-150 acres.

QUESTION NO. 16

Question:	Is the land presently within park boundaries of more significance than the William Center tract.
Answer:	Yes, although degrees of significance are not easy to assign. Nonetheless, generally areas on which combat occurred are deemed to be of first importance. At Manassas such lands are nearly all contained within present boundaries. On the northern portion of the William Center tract important activities took place; e.g. the establishment of Lee's headquarters on Stuart's Hill and a portion of Longstreet's forced reconnaissance just south of the Warrenton Turnpike (Route 29). Other portions of the tract were used for encampments, hospitals, or artillery positions but these are of lesser significance than the activities on the northern edge.

QUESTION NO. 17

Question: Doesn't the proposal put forward by you and Director Mott call for Lee's headquarters to be given over to the Park Service for public use?

Answer: Yes. Our proposal calls for a portion of Stuart's Hill to be donated to the Park Service and for the developer to build interpretive facilities to Park Service specifications. The developer has already agreed in principle and we will be negotiating the amount of acreage in the near future.

QUESTION NO. 18

Question:	Does this mean there is no need to spend Federal dollars to acquire Stuart's Hill because the developer is going to give it to the Government?
Answer:	Yes. We fully expect to receive donated land in sufficient amount to interpret the site to the public and to enhance our ability to better tell the Manassas story. Moreover, the developer will assume construction costs.

QUESTION NO. 19

Is this still a viable solution to this aspect of the tract? I realize the representatives of the developer testified to the donation before the House. However, I have heard that option is no longer available. What is the status of your proposal?

ANSWER: We believe negotiations should continue, and we are confident that, if Congress defers action on H.R. 4526, we can negotiate a donation.

QUESTION NO. 20

Question: What has been your experience with legislative takings?

Answer: At Redwood National Park, Congress authorized $92 million for a legislative taking to establish the park in 1968. DOI's estimates of the costs were between $60-117 million. The final cost was $201 million. There was a second taking at Redwood in 1978. DOI estimated a $359 million cost; the issue was finally settled in 1988 at a total cost of $1.4 billion.

Although a condemnation, not a legislative taking, the 312-acre Brawner Farm was added to Manassas in 1980. The price was settled by a jury trial. The Government estimate was $906,000, the land owners' appraisals ranged from $1.1-2.8 million and the jury actually awarded $4.2 million.

For the period 1976-85, our experience nationwide is that the average jury award in takings is more than double the Government appraisal.

QUESTION NO. 21

Question: Are legislative takings an appropriate means to resolve park-related problems?

Answer: No. A legislative taking such as that proposed at Manassas puts the Congress in the position of being a local zoning board. Parks often have many issues in which they need to work cooperatively with local officials and land owners. A legislative taking may poison the atmosphere and make such essential cooperation impossible to achieve, leaving the park and its managers in a far poorer posture to deal with any present or future problem not specifically addressed in the taking. At Manassas that includes traffic and development on all of the more than 2,000 nearby undeveloped acres not included in the proposed taking.

QUESTION NO. 22

Question:	You say this is our last best chance to protect the park; could you expand on this?
Answer:	The pace of development in Prince William County ensures that the traffic problem will only get worse. It also ensures that development will continue near the park. The controversy over the mall has presented a unique opportunity to address both of these issues and we have reached an unusual degree of consensus between parties needed to effect long term protection of the park--DOI/NPS, Commonwealth of Virginia, Prince William County, and the developer. If the Congress takes action that would reduce or eliminate the need for these parties to work together, then the consensus will disappear at the park's cost.

QUESTION NO. 23

Question: What if the Congress appropriated the money to buy the William Center tract and build the 234 bypass and add lanes to I-66, wouldn't that solve all the park's problems.

Answer: No, it would ignore future development near the park and signal the county that no amount of cooperation with the Park Service will prevent congressional interference; so why bother?

QUESTION NO. 24

Thus far, most of our attention has been directed at the William Center tract. If the 234 Bypass was constructed, does that not open access to what I believe is called the Stony Ridge section? How significant is that area to the Battlefield?

ANSWER: Stony Ridge is very significant, and we believe development should be controlled there. It is the site of Jackson's headquarters during the Second Battle. It is also on high ground overlooking the park.

QUESTION NO. 25

Would the Stony Ridge section be of a higher priority than the William Center tract insofar as land acquisition priorities are concerned?

ANSWER: No, but not far behind. What is needed is agreement on development all around the park.

QUESTION NO. 26

Question: Given the availability of limited funds, is it more important to close the roads within the park boundaries or acquire the William Center tract?

Answer: It is far more important in meeting the congressionally established purpose for the park to close the roads within it than to acquire the William Center tract.

QUESTION NO. 27

Question: Are there other sites adjacent to the Battlefield which need to be considered for inclusion within the Park?

Answer: No. Boundary expansion is not the answer to the primary problems facing Manassas. The answer is closing the roads to through traffic, and being given the authority to accept donations of interests in lands adjacent to the park which would enable us to eliminate or mitigate external threats in perpetuity.

MANASSAS

QUESTIONS SUBMITTED BY SENATOR BUMPERS

(September 9, 1988)

Do the current plans for development of the William Center tract threaten the Manassas National Battlefield Park? Which aspects of the proposed development are the most threatening?

ANSWER: The current plans for the William Center tract provide for a shopping mall, office buildings, and a major entrance road from the Route 234 bypass on Stuart's Hill. These facilities would adversely impact the view from the Brawner Farm in the park as well as the view from the headquarters.

Routes 29 and 234, which traverse the park, are historic two-lane roads which currently experience traffic congestion which affect park visitors who are using the same roads as an interpretive tour route. Traffic-related impacts to the park will increase markedly over time independent of the building of a mall anywhere on the William Center tract, due to the general development pattern of Prince William County. A shopping mall would, however, produce high volumes of traffic during peak park use days and hours, thus further aggravating an expected intolerable situation. Without closure of these roads through the park, the traffic impacts will threaten the historic integrity of the park.

Senator Warner has outlined a proposal which would provide for the outright purchase of approximately 136 acres of the William Center tract as well as purchase of an easement sufficient to prohibit the mall from being built.

Has the Department had an opportunity to form an opinion on this proposal?

ANSWER: No. We would note, however, that it would require the expenditure of Federal funds to acquire land and interests in land that we are persuaded will, in fact, be donated to the Federal Government through negotiation. Further, prevention of the construction of a mall on the William Center tract is unnecessary to prevent mall-related impacts to the park and ignores the more critical threat facing it.

In your opinion, would the price of this proposal be significantly less than that outlined in H.R. 4526?

ANSWER: We do not know. However, as described in the hearing, the proposal involves not only the taking of a portion of the William Center tract, but also the placement of use restrictions (in effect, the acquisition of an easement) on the remainder of the tract. This is likely to involve expense of the same order of magnitude (i.e., in the tens of millions of dollars) as H.R. 4526.

In early 1986, Hazel/Peterson Corporation bought the William Center tract for approximately $10 million. Its current assessed value is approximately $13.6 million, according to county estimates.

What is the Department of the Interior's estimate of the cost of a legislative taking of this parcel?

Could you describe the assumptions made in arriving at that figure?

ANSWER: The Department of the Interior has not prepared a formal appraisal or an estimate of the cost of acquiring the William Center tract either in its entirety or in part. To do a proper cost estimate, a detailed economic analysis and appraisal would be needed. We estimate that an analysis and appraisal would cost up to $100,000 and would take 6 to 9 months to obtain.

Since the tract is not in the authorized boundary of the park, the Land and Water Conservation Fund cannot be used for cost estimating or appraisal purposes. Funds for such purposes outside authorized boundaries were formerly appropriated to the Land Use Studies Fund, but no such appropriations have been made for 9 or 10 years and, therefore, are not available. We would have to reprogram funds from other activities to accomplish the appraisal.

In the absence of a reliable appraisal, we could only make an educated guess. The county has suggested that undeveloped developable acreage within a mile of the park ranges from $30,000 to $100,000 per acre, depending on location and zoning. Given the facts that: 1) the William Center tract has a prime location; 2) zoning is favorable to development; 3) development is already underway; and 4) our 10-year experience with awards in taking cases has been that they are more than double Government appraisals, some have suggested that the cost of the taking could be in the $50-100 million range or greater.

What is the historical significance of the William Center tract to the First Battle of Manassas? How about the Second Battle?

ANSWER: The William Center tract did not play a role in the First Battle of Manassas. The William Center tract was integral to the Confederate victory at the Second Battle of Manassas.

The northern edge of the William Center tract is more important than other areas of the tract. However, even the northern edge may legitimately be described as less important than the places where men directly engaged one another with rifle-muskets, pistols, swords, and stones, mostly within present park boundaries. In this area, on Stuart's Hill, was Lee's headquarters for Second Manassas, and the viewshed from this site, particularly toward the northeast and east, is important to understanding the battle as seen and directed by General Lee. This battle is generally regarded as Lee's greatest offensive victory and the place from which he planned and directed it is obviously very important.

Also, three events that made the victory possible occurred in whole or in part within the William Center tract, mostly along the Warrenton Pike at the northern edge of the tract. On August 29, 1862, Longstreet's men marched eastward along and on both sides of Warrenton Pike in a forced reconnaissance. They encountered and skirmished with Federals near Groveton and having completed their reconnaissance, withdrew along the same route. During the night they camped in the lowlands along Youngs Branch mostly within the northern edge of the William Center tract. Union commander John Pope foolishly mistook the withdrawal for a retreat, and because of the nature of the terrain and the woods thereon his scouts failed to detect Longstreet's encampments. As a result, Pope attacked Jackson's position on August 30 in a manner that left his left flank undefended. Pope's error allowed Longstreet abundant time to organize his forces, on the William Center tract, and to launch his attack at the most propitious moment. The nature of the terrain and its vegetative cover was a contributing factor to the error. Artillery positions, troop movements, and hospitals made other parts of the tract significant, but clearly less so than the headquarters, the forced reconnaissance, the overnight encampments, and the attack, all of which occurred mostly along the northern fringe.

How much land under the jurisdiction of the Park Service has been authorized but has not yet been purchased?

ANSWER: There is a total of 2.3 million acres of private land in the National Park System, of which 318,000 acres has been identified for acquisition, inclusive of Alaska.

What is the estimated cost of acquiring that land?

ANSWER: It is estimated that it will cost at least $1 billion to acquire the land.

Could you please explain what assumptions are built into these figures?

ANSWER: The backlog figure represents to a large extent the unappropriated balance of $386 million in land acquisition ceilings plus estimates of overceiling costs. We have no estimate of the cost to acquire lands in Alaska.

Don't most park units now have land protection plans? What would be the cost of acquiring those lands identified for acquisition in those plans?

ANSWER: Most of those park units that contain non-Federal land now have land protection plans. The aggregate cost would be approximately that described in the preceding answer.

How much of the land would you identify as high priority acquisition? Could you give some examples?

ANSWER: At the present, because of the need to reduce the Federal deficit, high priority acquisitions are identified only for land threatened with resource damage or where the owner faces a personal hardship and must sell.

The Department has identified the traffic on Route 29 and Route 234 through the park as the greatest threat to the battlefield. What efforts has the Department made in recent years towards the closure of those roads or rerouting of traffic through the park?

ANSWER: In 1956 the Commonwealth of Virginia proposed upgrading Route 29 from its two-lane historic configuration to a four-lane road with sufficient median to upgrade it to six. The National Park Service successfully defeated this and the Commonwealth widened the sections of Route 29 east and west of the park to this standard.

During the early 1960's Interstate 66 was proposed to follow the Route 29 alignment. National Park Service opposition resulted in routing Interstate 66 to the south of the park.

Major traffic increases occurred during the mid 1970's as a result of increased development around the park. In 1979 the National Park Service supported the Route 234 bypass around the park with the understanding that this would permit closing Route 234 through the park.

The National Park Service recently turned down a request of the Commonwealth of Virginia to widen the intersection of Routes 29 and 234 from eight lanes to fourteen, stating that they would oppose any improvements which increased the capacity of the road.

In 1986, after Hazel/Peterson acquired the tract, the company asked that the area be rezoned to accommodate mixed use/commercial development. Our understanding is that extensive negotiations were held regarding the specifics of the rezoning. Did the Park Service play an active role in those negotiations? Did the Park Service eventually support the rezoning? If you agreed to the rezoning, what type of development did you anticipate that Hazel/Peterson would construct on the tract? Did you feel this type of development threatened the park at all?

ANSWER: The National Park Service did participate in negotiations with the Hazel/Peterson Company and did support the 1986 rezoning of the property. This participation in the rezoning process was based on the direction from the Congress in 1980 to work with the local government to mitigate potential impacts on those properties around the part which might impact upon the park or historic resources. Our support of the rezoning was based on the representation from Hazel/Peterson that the project would be a high quality office park similar to their project at Fair Lakes in Fairfax County. This was expressed in a draft illustrative site plan with office buildings within the existing 45-foot zoning limitation. Further, they proffered a 100-foot wide buffer of trees along Route 29 to screen the development from the Brawner Farm. Given the Congressional direction, the National Park Service felt that the low buildings, the buffer and the traffic patterns could be accommodated without compromising park values.

During consideration of the expansion of the battlefield in 1980, what was the Department's recommendation regarding the acquisition of the William Center tract?

ANSWER: In the 96th Congress, two bills were introduced and considered -- S. 1857 and H.R. 5048. S. 1857 would have added 661 acres and H.R. 5048 would have added 1,681 acres. Neither bill would have authorized acquisition of the William Center tract. The Department supported the enactment of H.R. 5048, but did not recommend that it be amended to include the William Center tract.

Question-When in the past has a legislative taking been used to acquire lands to add to the federal land base?

Answer-Legislative taking has been used three times in the past. Twice at Redwood National Park, 10/2/68 and 3/27/78, and once at Piscataway Park, 10/15/74.

Question-In those cases, why was the legislative taking used as opposed to more traditional condemnation mechanisms?

Answer-The Piscataway Park taking was to assure full control over the use of the lands before development could destroy the historic scenic view across from Mt. Vernon. In the case of Redwood, the legislative taking put an immediate end to logging.

Question-Could you outline the procedure you follow in a legislative taking?

Answer-Once the legislation authorizing legislative taking is enacted into law, the land taken is Federal. The procedures followed for the three legislative takings were not identical. The legislation for the first Redwood taking, 1968, contained no provision for the Government to bring an action to determine just compensation. Thus, each landowner was notified of the taking and advised to file a claim in the Court of Claims. That oversight was remedied in the following two legislative takings. Legislation for Piscataway Park directed that just compensation be paid and that if within 1 year there was no negotiated settlement or an action by the owner, then the Government may initiate proceedings in court. Ultimately, the Federal District Court handled the actions arising from the Piscataway Park taking. The United States filed action in Federal court for the 1978 Redwood taking. Otherwise, the procedure is similar to normal condemnation proceedings, including the procurement of title evidence, surveys, and appraisals. Out-of-court settlements are attempted in order to avoid costly and risky court proceedings. In legislative takings the Justice Department acts for the Government and there is the added expense of interest from the date of taking.

Question-When a legislative taking was used, were your original estimates of the cost of the taking close to what was actually paid?

Answer-For the 1968 taking at Redwood, $92 million was authorized. Estimates of cost ranged between $60-117 million. The final cost was $201 million, inclusive of interest. The second Redwood taking in 1978 was estimated at $359 million. The final cost was over $1.4 billion, with roughly half of that amount representing interest on the award. The Piscataway Park taking was estimated to cost $4.9 million with the final cost being $4.6 million.

APPENDIX II

Additional Material Submitted for the Record

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September 27, 1988

VIA FEDERAL EXPRESS

Colonel J.J. Thomas
District Engineer
United States Army Corps of Engineers
Norfolk District
803 Front Street
Norfolk, Virginia 23510-1096

Attention: Waterways Inspection Section

Re: Hazel/Peterson Companies - William Center

Dear Colonel Thomas:

On behalf of the Hazel/Peterson Companies this firm is responding to your letter to Ted Canterbury dated September 21, 1988, concerning the William Center, which is located in Prince William County, Virginia.

The activity referenced in your letter constitutes the discharge of material for backfill or bedding for utility lines, which is an authorized activity under the Nationwide Permit Regulations (33 C.F.R. § 330.5(a)(12)). Nevertheless, pursuant to the September 8, 1988, recommendation of Ms. Julie C. Steele of your office, the William A. Hazel Company has removed the twenty-foot long portion of the eight-inch sanitary sewer line which that company installed pursuant to the sewer alignment plan approved by Prince William County. The portion of the site referenced in your letter has been restored and on September 21, 1988, William McGlaun of your office determined that the alleged violation stated in your letter has been corrected. Accordingly, there is not now, nor has there ever been, any violation of the Nationwide Permit Regulations, the Clean Water Act, or any order of the United States Army Corps of Engineers, on this portion or any other portion of the William Center site.

The Hazel/Peterson Companies have made and will continue to make every effort to comply with all statutory and regulatory requirements of the Clean Water Act. The Hazel/Peterson Companies have repeatedly provided your office with all requested information concerning William Center and have afforded the Corps of Engineers extensive access to all portions of the William Center site. The Hazel/Peterson Companies will continue to co-operate with the Corps of Engineers as William Center is developed. The Hazel/Peterson Companies thank you for your continued courtesy and co-operation in this matter.

In the event you have questions concerning any portion of this letter, please do not hesitate to call me.

Very truly yours,

HAZEL, THOMAS, FISKE,
BECKHORN & HANES, P.C.

Michael Banzhaf

Michael A. Banzhaf

MAB/njm

cc: Mr. Ted Canterbury
Hazel/Peterson Companies

OFFICIAL COMMITTEE FILE

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SENATE COMMITTEE ON
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September 14, 1988

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands
Senate Energy and Natural Resources Committee
Senate Dirksen Building, Room 364
Washington, D.C. 20510

Dear Chairman Bumpers:

Farm Bureau strongly opposes expansion of the Manassas Battlefield National Park. The park expansion is of particular concern to the Virginia Farm Bureau Federation and the Prince William-Fairfax County Farm Bureau, whose members will be directly affected by this legislation.

The American Farm Bureau Federation is the nation's largest organization of farmers and ranchers representing more than 3.5 million member families. In addition to being the nation's largest farm organization, Farm Bureau may also be our nation's largest organization of landowners. Through Farm Bureau's grass-roots policy development process, our members have expressed strong concern about federal land acquisition as proposed by the Manassas Battlefield expansion bill.

Our first concern is that the legislation would authorize new, additional federal spending. It would provide $50-100 million for expansion of the park. Farm Bureau believes that the federal budget deficit must be reduced by controlling spending. Additional spending for more federal land acquisition is a step in the wrong direction.

Second, park expansion by the federal government would violate local land use planning decisions. Farm Bureau believes that land use planning can best be accomplished at the county level.

Our third major concern arises from Farm Bureau's general opposition to additional federal land acquisition. One-third of the nation's land area is owned by the federal government. Simply put, we believe the federal government already owns enough land. We oppose additional transfer of private property to federal ownership because of its impact on private property rights, land values and property tax bases.

We strongly urge you to oppose expansion of the Manassas National Battlefield Park.

Sincerely,

John Datt

John C. Datt
Executive Director
Washington Office

cc Donald Hodel, Secretary of Interior

Citizens Forum For Truth & Progress

P.O. Box 77 • Catharpin, Virginia 22018 • (703) 368-8424

September 10, 1988

The Honorable Dale Bumpers
Chairman
Senate Subcommittee on Public Lands,
National Parks and Forests
U. S. Senate
Washington, D. C. 20510

Dear Senator Bumpers:

Once again I would like to express my appreciation for the opportunity to appear in front of your committee and the courtesy that I was extended. It was a long day for everyone but I was very impressed with the way you and your committee conducted the entire hearing.

During my testimony I indicated I would be following up with additional material highlighting what we consider to be blatant misrepresentation by William Center opponents. This material in our view accounts for much of the popular support on this issue.

You will recall that Mr. Walter of the National Trust for Historic Preservation in his presentation emphasized that this was the most important historic preservation issue for his 215,000 member organization. Ms. Snyder provided a stack of papers purportedly containing 75,000 signatures of concerned individuals nationwide.

Attached to my testimony is evidence of serious distortion of the facts about where William Center is being built. I enclose additional examples. Most of these have been published by the National Trust for Historic Preservation, which is working very closely with Save the Battlefield Coalition on this legislation and has made significant contributions to that organization.

In reviewing the enclosed and similar materials submitted with my testimony, you may note that in some instances a small "b" instead of a capital "B" was used to spell Battlefield. In all instances however even the most discriminating of readers would probably conclude that the William Center or the mall is being built on the present Manassas National Battlefield Park property. Of course, if the material was broadcast or read to an audience, no other interpretation would be possible.

It strains credibility to pass these off as inadvertent errors. Yet not only were large sums of money raised as a result, but more importantly critical legislation is being urged on the Senate of the United States, the support for which is seriously flawed. This has tragic implications for a resolution of this matter that would be in the best interest of all Americans.

On another matter, during the hearing you inquired of Secretary Hodel whether anyone had ever heard regrets expressed about any addition to a national park. Secretary Hodel presented one example. We have a better one.

The controversy over the creation of the Cuyahoga Valley National Recreation Area in Ohio in the early 1980's is a perfect example of federal condemnation of private property for a national park that has been deeply regretted by many afterwards. That situation produced much shame, sorrow, suffering and foolish and unnecessary expense for the federal government. Efforts were expended after it was too late for most to unravel some of what was done there arbitrarily, ill-advisedly and in haste. We predict without fear of contradiction that the regrets associated with that situation will be magnified many times if a legislative taking of the William Center is agreed to by the Senate.

Once again I thank you for your courtesy and consideration. If you have any questions or if I may be of any further assistance, please do not hesitate to contact me.

Very truly yours,

Patricia A. Bradburn

Patricia A. Bradburn
President

cc: Senator Warner
Senator Trible
Senator McClure
Senator Wallop
Senator Conrad
Senator Domenici
Mr. James O'Toole

LETTERS

HISTORIC PRESERVATION
September/October 1988

Fighting for Manassas

Robert Webb was making the understatement of the year when he wrote, "This latest battle of Manassas is also the latest reminder to Americans of how much their heritage is still at risk" ("Fighting for Manassas," July/August). Similar battles are being fought and lost at an alarming rate all across our nation. Here in the Midwest, developers, bankers and corporations blatantly disregard public outcry and governmental directives and destroy our heritage, quite literally, while we sleep.

Encroaching suburbanization has damaged a good portion of our heritage. The "win some, lose some" attitude won't cut it in a nation bent on fast-food strips and shopping malls. We preservationists must develop aggressive strategies to counteract the onslaught of ruthless developers.

DAVE JACKSON
Gardner, Kans.

The article on threats to Manassas National Battlefield Park had a familiar ring. A developer planned to erect condominiums directly across the Manatee River from the DeSoto National Memorial commemorating Hernando DeSoto's arrival in Florida in 1539. The development would have detracted from the site's historical setting and damaged the surrounding environment. Fortunately, citizens rallied, approving a referendum to provide county bonds to help purchase the site.

Readers should contact the national park or historic site in their area to find out whether it, too, is endangered and in need of support.

CATHY SLUSSER
Bradenton, Fla.

1988 SEP

Slusser is coordinator of the Manatee County Historical Commission—Ed.

I was interrupted, while reading the article on Manassas, by a phone call from Washington, D.C., that said the developer's bulldozers are working 24 hours a day, racing against legislation being considered in the House that might stop them. Until then I had held out hope that an injunction or other legal means would prevent desecration of this national shrine.

I am not a man of means; the only help I could offer the caller was to write my congressmen and senators. I don't know what else to do. There are no words to describe my sick feeling at losing even one square inch of these battlefields bought with the highest price men can pay, whether they wore blue or gray.

Please continue the fight. If we lose this Battle of Manassas, we must make sure it never happens again.

RICHARD A. BROWN
Greenville, Tex.

Hundreds of National Trust members took the time to write their congressional representatives about Manassas. Typical of the responses was this one Don R. Plumb of Bettendorf, Iowa, received from Iowa Rep. Jim Leach: "Dear Don: Thank you for your note [about] the controversy surrounding the proposed shopping mall on a portion of the site of the Battle of Second Manassas. I have cosponsored legislation which would give the National Park Service control of the ground in question at both the Manassas and Antietam battlefields. Presssure is mounting to stop further encroachment onto these and similar sites."—Ed.

Just Plain Folks in Cincinnati

Thank you for your kind words about Marvin and me, and for capturing so well the spirit of Cincinnati (July/August). We appreciated being cast in the role of catalyst and continuity, rather than Superman and Wonder Woman.

National Trust
for Historic
Preservation

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Sally G. Oldham—Vice President

Department of Stewardship of Historic Properties
Frank E. Sanchis—Vice President

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HISTORIC PRESERVATION
September/October 1988

First Alan Boyd Intern Is a Railroad Man

John Hankey is not your typical summer intern. The man chosen as the Trust's first Alan S. Boyd Historic Preservation Intern is, at 35, a seasoned railroad historian and a lecturer on railroad subjects for the Smithsonian Institution.

Descended from five generations of railroading Hankeys, the Baltimorean is also a certified engineer who worked for six years as a B&O brakeman and fireman. "You can't learn the railroad business any other way," he says.

Created to honor the Trust's chairman emeritus, the internship offers a $2,500 stipend for an eight-week summer project at National Trust headquarters. Hankey calls his selection from 38 applicants "highly appropriate, since Boyd was a railroad man." Boyd was the first secretary of the Department of Transportation and an early Amtrak CEO.

Working with regional Trust staff, Hankey is creating case studies, fact sheets and a data base on railroad preservation. He also is working to convince the CSX Corporation—the successor to the Chessie and Seaboard Railroads—to match 97 of its disused properties with buyers sensitive to preservation.

This fall Hankey will return to his combined Master's-Ph.D program at the University of Delaware. "I see my life's work as educating both the public and the railroads in the value of our rich transportation heritage," he says. "If it means playing hardball, well, I'm ready for that, too."

Linda Johnson

John Hankey

Trust Members Rally to Save Manassas Battlefield

National Trust members responded generously to recent appeals to help fight a proposed 1.2-million-square-foot shopping mall on part of the historic Manassas battlefield in Virginia.

A major Trust fund-raising campaign, bolstered by an angry editorial by Tom Wicker of the *New York Times*, enabled the Trust to immediately turn over $20,000 to Annie Snyder, chairman of the Coalition to Save the Manassas Battlefield.

"This was the very best appeal of its kind we've ever had," says Trust membership director Patricia A. Martin.

Many included personal notes with their donations and signed petitions. "When will this stop?" despaired a contributor. "When America is one parking lot?"

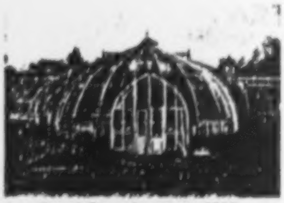
National Trust members and staff in the Washington, D.C., area also took part in a July 1 rally at Manassas, which drew an estimated 3,000 supporters in spite of 100-degree temperatures.

Trust's "Palace of Glass" To Be Stabilized

Help is coming for the huge greenhouse at Lyndhurst, the Trust's Gothic Hudson River estate in Tarrytown, N.Y.

New York's Swanke Hayden Connell Architects, restorers of the Statue of Liberty, will stabilize the 360-foot-long ruin, which rises nearly 80 feet at its central dome. The iron-and-wood conservatory, built by railroad baron Jay Gould and once called a "shimmering palace of glass," was abandoned during World War II and its collection of orchids sold to benefit the Red Cross.

Phase one stabilization and development of a master plan for restoration and adaptive use are being funded by a $150,000 grant from New York State's Environmental Quality Bond Act, a $150,000 two-to-one match from the Trust's Historic Properties Preservation Fund and $100,000 from the Brown Foundation, Inc., of Houston. "A 20,000-square-foot greenhouse is an expensive structure to operate," says Susanne Brendel Pandich, Lyndhurst director. "But we want a use that makes sense with our mission as a museum." Reuse possibilities include a heritage gardening center.



Lyndhurst Greenhouse, c.1900

Atlanta Landmarks Finally Protected

Thanks in part to National Trust financing of a year-long preservation study, Atlanta's Mayor Andrew Young has thrown his support to a sweeping plan to protect downtown landmarks. These include The Castle, a c.1910 medieval replica that Young branded as a "hunk of junk" during a 1986 preservation battle.

The study grew out of a $33,450

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VOL. 19, NO. 33 Published Weekly By Joel Sater Publications FRIDAY, AUG. 19, 1988

Manassas: Can We Desecrate This Hallowed Ground?

by Beatrice Levin

We came to Manassas on a late November afternoon with a mild yellow sun glowing on the long green hills. In the near distance, standing like a statue, a man dressed in Civil War blue and holding a musket seemed a natural part of the scenery. A row of cannons along the ridge reminded us of the blood spilled here to save the Union.

After viewing a short slide show and an illustrated diorama of the Manassas battles, we wandered over the peaceful hills, stopping to read each historical marker. The scene was picture-perfect, winter trees, like black filigreed lace, edged against a startlingly blue sky. A freshly painted and restored Dogan House sat on the ridge near where, on August 29, 1861, Pope's army found Jackson's men along an unfinished railroad grade.

In the Manassas National Battlefield Park, the statue of Stonewall Jackson on a horse appeared as a dark silhouette in the sunset, pink clouds spreading upward into a purple mist. Birds sang, chirped and flitted above the grassy slopes. Could death have been so violent here? The soft twilight spread its wings over a lovely calm.

The first major engagement of the Civil War came when public opinion forced an advance on Richmond before the raw Union Army was prepared. Union troops outnumbered the Confederates, but the success of the Union advance depended on General Patterson's halting a force of about 9,000 men. Bull Run, a creek meandering through Virginia, is so close to Washington that the sounds of cannon on July 21, 1861, could be heard in the capital. People knew that a great battle was being fought "from early morn to sunset," as Susan Lee Blackford wrote. She recorded how Mrs. Robert C. Saunders, whose husband was in the battle, stood all day on one of the hills near her home and listened in agony to every gunshot.

Some members of Congress, not so unnerved, took horse and buggy out to the hills to watch the first battle of the Civil War fought along the creek banks. They were joined by ladies all in white, with big, floppy hats to protect them from the summer sun. Some carried picnic baskets. The disastrous defeat of Union forces sent the rubberneckers back to Washington in panic!

The critical fighting at the first battle of Manassas (Bull Run) centered on Henry Hill. Today, a one-mile self-guided walking tour - with taped messages and interpretive signs - tells the story of the battle. Visitors begin the trail at the rebuilt Henry House. Near the house is a monument to the "Memory of the Patriots who fell at Bull Run, July 21, 1861." Nearby is the grave of Mrs. Judith Carter Henry, the only civilian to die in the first battle. From the Henry House, the trail goes north to the Confederate artillery positions overlooking Matthews Hill, important during the morning battle, then across the fields to the Robinson House, where Wade Hampton led his South Carolina troops into the bloody battle. The trail then loops back along the Confederate line. Here General Thomas J. Jackson received his famous nickname, "Stonewall." Had the Confederates advanced on the capital promptly, they could have taken Washington.

A walking trail at Sudley highlights other areas of the battlefield.

After the defeat at Manassas in July 1861, General George B. McClellan took command of the Federal Forces and organized them into the formidable fighting Army of the Potomac. Leaving a strong force to cover Washington, in March 1862, McClellan shifted his army by water to Fort Monroe - about a hundred miles southeast of Richmond.

In August 1862, Union and Confederate armies converged a second time on the plains of Manassas. By now, everyone recognized that the war was no picnic, and the patriotic fervor and enthusiasm that preceded the first Bull Run battle were over. No sightseers had the courage to venture out to witness the second, more ferocious battle.

Now seasoned veterans, knowing the horror of death and destruction, fought for three days. Over three thousand men died. Along Chinn Ridge, the Union troops fought desperately. From here, the visitor may see a marker near the spot where Fletcher Webster, Daniel Webster's oldest son, was killed while leading the 12th Massachusetts Infantry into battle. At Stone Bridge, after night fell, the defeated Union Army withdrew across Bull Run toward Centreville. Robert E. Lee's complete victory caused the federal troops to retreat from Virginia, forcing a delay in Abraham Lincoln's planned Emancipation Proclamation.

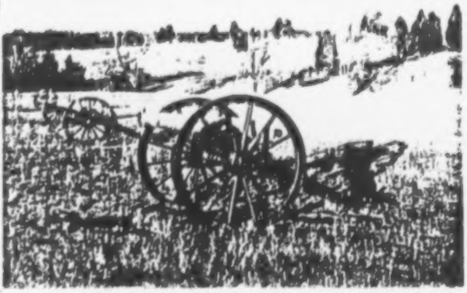
After Second Manassas, the Confederacy was at the height of its power, but the North desperately fought on.

Among the first postwar acts of veterans of both the Blue and the Gray was to return in the spirit of reconciliation to this dual battleground called Manassas by the Confederates, by the Federals, Bull Run. Together they erected primitive monuments of local stone on the Henry Hill, where Stonewall Jackson earned his nickname, and at the Deep Cut, where, at the climax of one of the war's great charges, Jackson's battered forces threw rocks at Fitz-John Porter's bluecoats in the hot sun of 1862.

Now, sad to say, in a nation that doesn't always cherish or honor its heritage, a developer in Virginia and a national mall builder are projecting a monster shopping mall and a huge housing development on part of the Manassas National Battlefield Park. Two heavily traveled highways divide the park. U.S. 29 follows the historical roadbed of the Warrenton Turnpike. The Manassas-Sudley Road crosses the turnpike at the Stone House. If the development is culminated, heavy traffic may suffocate the roadways giving access to poorly protected battlefields and monuments.

Congress authorized a small Manassas National Battlefield Park around Henry Hill in 1940. In 1954, the park was expanded to include some of the second battle sites, and more land was embraced in 1980. A compromise with local authorities, however, left out for development a segment between U.S. 29 and the new

(continued on page [illegible])



In silent tribute to the past, these cannons at Manassas remind visitors and area residents of the terrible strife of the Civil War.

A guide in Civil War blue and holding a musket - on the plains of Manassas.

The statue of Stonewall Jackson forms a dark silhouette against the sky at sunset in the Manassas National Battlefield Park.

NATIONAL
ASSOCIATION
of
COUNTIES

440 First St. NW, Washington, DC 20001
202/393-6226

September 8, 1988

The Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands, National Parks
and Forests
SD-308 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Bumpers:

The National Association of Counties at its annual conference in August, overwhelmingly endorsed a resolution opposing the expansion of the Manassas National Battlefield Park. Just as importantly it fully supported Prince William County in its fiscal responsibility to provide long range economic development through a valid comprehensive land use planning process. Our national membership felt very strongly that federal acquisition of the land in dispute would violate the integrity of long-standing local land use decisions and would severely harm the local tax base. We feel that action by Congress in this matter would represent an unwise federal expenditure and an unfortunate precedent for park land acquisition.

We recognize that the issue created around the Manassas Battlefield is complex and has caused great controversy over private rights versus national interest. We would like you to consider our point of view on the issue for which every county in the country feels very strongly.

We in county government believe that home rule, the right of local determination, is the keystone of our American democracy. More and more state legislatures have recognized this and have delegated increased authority to local officials to solve local problems. The philosophy that the unit of government which is closest to the people governs best is strongly embraced by our members.

In Prince William County the development which is nearing reality has been contemplated by the county and been part of a master plan for 14 years. The Plan was developed with extensive involvement of the citizens of the County. It represents a consensus on what their citizens thought the long range future of the county ought to be. The 1986 rezoning of the William Center tract was also an open, responsible process. To have the federal government come in at this late date and impose its will on the people of Prince William County is a clear violation of basic notions of local self determination.

In the growing complexity of the intergovernmental process we recognize the desire of a wide range of participants to share their perspective on what have historically been local decisions. We, as are the officials of Prince William County, are committed to a full and open process of government. At the same time we believe strongly that the citizens of Prince William County have the right to have decisions which directly affect them be made by officials whom they elect.

Thanks for your consideration on this matter.

Sincerely,

John P. Thomas
Executive Director

NATIONAL
ASSOCIATION
of
COUNTIES

440 First St. NW, Washington, DC 20001
202/393-6226

PUBLIC LANDS STEERING COMMITTEE RESOLUTIONS ON MANASSAS BATTLEFIELD

WHEREAS, the National Association of Counties supports the principles of home rule, fiscal autonomy for local governments, and fiscal responsibility at the federal level; and

WHEREAS, Prince William County committed to the historical integrity of the existing Manassas National Battlefield Park; and

WHEREAS, legislation has been submitted to Congress proposing an expansion of the Manassas National Battlefield Park in Prince William County, Virginia; and

WHEREAS, this park expansion would cost an estimated $50 to $100 million, an amount well in excess of the total federal parkland acquisition budget in FY 1988; and

WHEREAS, this land is privately-owned and has been designated for nonresidential uses in the Prince William County Comprehensive Plan since 1974 and was validly rezoned for mixed uses in 1986; and

WHEREAS, this rezoning considered and addressed possible impacts of the development of the property on the Manassas National Battlefield Park; and

WHEREAS, Congress specifically excluded this land from a 1980 park expansion, with the explicit understanding that it was designated for economic development purposes; and

WHEREAS, the federal government already owns 20 percent of the land in Prince William County yet pays only $20,000 annually in lieu of taxes (approximately 75 cents per acre); and

WHEREAS, the federal ownership of this land would result in a total revenue loss to the County of $260 million over the next twenty years; and

WHEREAS, federal acquisition of this land would violate the integrity of long-standing local land use decisions would severely harm the local tax base and would represent both an unwise federal expenditure and an unfortunate precedent for parkland acquisition;

THEREFORE BE IT RESOLVED, that the National Association of Counties opposes an expansion of Manassas National Battlefield Park and supports an agreement among the Park Service, the County, and the landowner.

Approved unanimously by NACo membership August 9, 1988

ROUTE 234 BYPASS FORUM
3900 JERMANTOWN ROAD, SUITE 350
Fairfax, Virginia 22030

September 7, 1988

Honorable Dale L. Bumpers
Committee on Energy and Natural Resources
Room 308 Dirksen Senate Office Building
Washington, D. C.20510-6150

Dear Senator Bumpers:

Enclosed is a copy of the Testimony placed on the record of the hearing held by the House Subcommittee on National Parks and Recreation on behalf of the 234 Bypass Forum in Prince William County.

The Forum members are businessmen and citizens who have been working together for about three years to build the Route 234 Bypass south of I-66 in Prince William County. We have also been working to form a special taxing district which will include our members so that we will be in a position to obtain bond financing to help build this portion of the Bypass.

We are very concerned with any federal proposal which would prevent the building of an interchange at the Route 234 Bypass and I-66. The road would not be viable without such an interchange and the thousands of acres south of I-66 which are zoned or planned for industrial development will not be attractive for development. This would be an additional blow to the economy of Prince William County.

We would appreciate your support in protecting an interchange on I-66 for the southern portion of the 234 Bypass. If you have any questions or we can furnish you with any information, please call me at 654-4482 or Marie Travesky at 934-4639.

Sincerely yours,

James S. Long
Chairman
Route 234 Bypass Forum

enc

Testimony of James S. Long, Jr.
Chairman, Route 234 Bypass Forum
Prince William County, Virginia

Delivered to:

House Subcommittee on National Parks and
Recreation, June 21, 1988
United States House of Representatives
Washington, D. C.

Mr. Chairman, Members of the Committee:

I am James Long, Chairman of the Route 234 Bypass Forum in Prince William County, Virginia. The Forum is a unique partnership of businessmen, property owners, citizens and local and state government agencies who have united to build the Route 234 Bypass. The members of the Forum have voluntarily contributed $200,000 toward the costs of the design study for the road project and the Prince William County Board of Supervisors has appropriated an additional $300,000. The state of Virginia has contributed $1.6 to further the design study. The members of the forum have voluntarily reserved approximately 60% of the right-of-way needed to construct the Bypass South of I-66, and we are working to implement a special highway taxing district which will allow us to tax ourselves to help finance the construction of this critically needed transportation artery.

You need only be in the Washington area for a few hours before you realize that traffic congestion is our No. 1 problem. The Forum has voluntarily tried to solve a part of that problem. We have devoted a great deal of time and money to help bring this project, Prince William County's top road priority, into being. Now, we are being impacted by forces outside of the county over which we have no control. We are concerned that the Route 234 Bypass and the critically needed interchange on I-66 will be held hostage to another issue, that of the Manassas Battlefield Park, which we are not involved in and which we are powerless to affect.

The forum does not take positions for or against particular projects, and we will not do so regarding the William Center. We do, however, take a strong position in favor of the rights of local governments, operating under enabling legislation from the state, to make land use decisions. Even more strongly, we must defend the rights of landowners to operate under clear, well defined zoning and land use regulations which are applied consistently. However, we are beyond that now, and we only ask that the decision concerning this national park issue be made quickly so as not to jeopardize the Route 234 Bypass and the I-66 interchange.

Our members have reserved land for the Bypass right-of-way with a caveat that the Bypass be under construction in five years. In most cases, more than two years have elapsed. Acquiring right-of-way is a very expensive part of any road project, and we must keep the Bypass project on schedule so that we do not lose the reserved land.

We respectfully urge this Subcommittee to make a prompt decision and one in which the Route 234 Bypass and the interchange on I-66 are left intact.

Thank you for allowing us to speak to you today. I will be happy to respond to any questions you may have.

-0-

James S. Long
Chairman
Route 234 Bypass Forum
3900 Jermantown Road, Suite 400
Fairfax, VA 22030
703/591-4663

OFFICIAL COMMITTEE FILE TW

National
League
of
Cities

1301 Pennsylvania Avenue NW
Washington, D.C.
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Fax: (202) 626-3043

Officers

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Pamela P. Plumb
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Mayor, Phoenix, Arizona

Second Vice President
Bob Bolen
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Immediate Past President
[illegible] Reynolds
Councilwoman-at-Large,
Denver, Colorado

Executive Director
Alan Beals

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
AUG 23 1988
WASHINGTON DC 20510

August 16, 1988

The Honorable J. Bennett Johnston
Chairman
Senate Committee on Energy and Natural Resources
364 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing on behalf of the elected officials of the nation's cities and towns to urge your committee to reject the House-passed legislation, HR 4526, to purchase more than 500 acres to add to the Manassas National Battlefield Park. We oppose this federal legislation both as an unwarranted interference with the land use and zoning rights and responsibilities of Prince William County, Virginia, and because of the adverse impact of such a purchase on local taxpayers.

To begin with, we are concerned about federal actions which would interfere with a process begun more than a decade ago to determine the shape and destiny of a local government. The county has been involved in making decisions on the future of the tract of property in question for nearly two decades. During that time, it has held numerous hearings in order to ensure maximum input not only from its own taxpayers and citizens, but also from outside individuals and organizations.

Not only did the county proceed over a course of more than 15 years to seek maximum input in developing its plans, but it also kept apprised of federal interests and concerns - both those of the Congress and the Executive. In fact, the county's rezoning was approved by the National Park Service, and, despite numerous bills introduced in Congress and major legislation on the battlefield enacted in 1980 - no major piece of legislation proposed or adopted prior to this year would have affected the tract in question.

We are concerned that after following the rules for nearly two decades, the House bill abruptly proposes to change those rules. The House bill would set new rules after an expenditure of countless hours and taxpayer dollars - and without any warning.

Past Presidents: **Tom Bradley**, Mayor, Los Angeles, California • **Henry G. Cisneros**, Mayor, San Antonio, Texas • **Ferd L. Harrison**, Mayor, Scotland Neck, North Carolina • **William H. Hudnut, III**, Mayor, Indianapolis, Indiana • **George Latimer**, Mayor, St. Paul, Minnesota • **Henry W. Maier**, Mayor, Milwaukee, Wisconsin • **Jessie M. Rattley**, Mayor, Newport News, Virginia • **John Rousakis**, Mayor, Savannah, Georgia • **Charles Royer**, Mayor, Seattle, Washington • **George V. Voinovich**, Mayor, Cleveland, Ohio • ***Directors:*** **Gary Anderson**, Mayor, Decatur, Illinois • **Sidney J. Barthelemy**, Mayor, New Orleans, Louisiana • **Marjorie A. Boon**, Mayor, Grand Haven, Michigan • **John E. Bourne, Jr.**, Mayor, North Charleston, South Carolina • **Jon C. Burrell**, Executive Director, Maryland Municipal League • **Hal Conklin**, Councilmember, Santa Barbara, California • **Mary Davis**, Councilmember, Atlanta, Georgia • **Ed Eilert**, Mayor, Overland Park, Kansas • **Edward C. Farrell**, Executive Director, New York Conference of Mayors • **Robert Farrell**, Councilmember, Los Angeles, California • **Jan Furner**, Executive Director, Utah League of Cities & Towns • **E. Arthur Gray**, Mayor, Port Jervis, New York • **Glenda E. Hood**, Mayor Pro Tem, Orlando, Florida • **Karen Humphrey**, Councilmember, Fresno, California • **Robert E. Johnson**, Executive Director, North Dakota League of Cities • **Joseph A. Leafe**, Mayor, Norfolk, Virginia • **Charles Lyons**, Chairman, Board of Selectmen, Arlington, Massachusetts • **Melissa Mershon**, Alderman, Louisville, Kentucky • **Bob Overstreet**, Councilmember, Everett, Washington • **Grace Petersen**, Mayor, Pierre, South Dakota • **Dana G. Rinehart**, Mayor, Columbus, Ohio • **John H. Rodriguez**, Councilman, Yuma, Arizona • **Perry Roquemore**, Executive Director, Alabama League of Municipalities • **Steven C. Roberts**, Alderman, St. Louis, Missouri • **James Scheibel**, Councilmember, St. Paul, Minnesota • **Florence Shapiro**, Councilwoman, Plano, Texas • **Dolores Sibonga**, Councilmember, Seattle, Washington • **Joseph A. Sweat**, Executive Director, Tennessee Municipal League • **E.B. Turner**, Mayor Pro Tem, Lumberton, North Carolina • **James Weatherby**, Executive Director, Association of Idaho Cities

Secondly, we are opposed to the proposed legislation because of the impact on the budget, tax rates, and economic impact on the future of Prince William County. The county has devoted years to making this site a focus for housing and economic development, and an anchor tax base for its future. The area is a focal point for the creation of some 8500 new jobs and a critical factor in providing a revenue base to fund basic public services.

Removing this site from the county's property tax rolls will force the elected officials to impose higher taxes on all other residential and commercial taxpayers to provide the same level of services. Already, because some 20% of the county is owned by the federal government, taxpayers bear a disproportionate burden. For the federal government to purchase the site, it would mean the developer would be held harmless, but the county and its citizens would be left with a further erosion of their revenue base - a base deemed central by their elected officials towards meeting future needs.

Our members believe that decisions about the land use planning and zoning ought to be made by those elected and appointed officials chosen for that responsibility. They are in the best position to represent the people and to weigh the competing interests.

In this instance, we are concerned about a potential lack of balance intruding after the fact and, certainly, creating concerns about any future land use decisions. While consideration has been given to making whole the developer, no consideration has been given to making whole the county, its citizens, or its taxpayers.

While we venture no opinion with regard to the preservation issue in question, we do feel strongly about our responsibilities to the citizens who elect us and to the rules under which we govern. We very much hope that will be an important factor in your consideration of this issue.

Sincerely,

Alan Beals

Alan Beals
Executive Director

Sudley United Methodist Church
4912 SUDLEY ROAD
CATHARPIN, VIRGINIA 22018

W.L. Ayres,
PASTOR

CHURCH STUDY &
RESIDENCE 754-4348

August 22, 1988

The Honorable John W. Warner
421 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Warner:

The Administrative Board of Sudley United Methodist Church, Catharpin, Virginia, which is located adjacent to the northwest boundary of the Manassas Battlefield Park on Rt. 234, wishes to express concern over the impact of closing Sudley Road (Rt. 234) as proposed in HR 4526. Sudley Road has been a main thoroughfare through the northwestern portion of Prince William County since early 1800. At least fifty years before the Civil War this road was travelled by farmers in horse-drawn wagons and ox carts taking their grain to the Sudley Mill, by carriages travelling between the big plantations, and by worshipers attending Sudley Church.

The proposal to close Sudley Road (Rt 234) from the intersection with I-66 through the Manassas Battlefield Park to the church would increase the distance for church attendees living in the Centreville and Manassas areas by approximately 7.5 miles, from 2.5 miles (present distance) to 10.0 miles. The increased mileage to travel west on I-66 to the proposed Rt. 234 bypass to Catharpin and then east to the church would add significantly to the travel time of church members, and would discourage families moving into the fast-growing neighborhoods to the east and south of the church from seeking Sudley as a church home.

Attendance at church is more than a once-a-week Sunday visit. Board meetings, committee meetings. choir practices, youth activities and church dinners are all a very important part of the church life of the community.

We are requesting that Sudley Road (R 234) remain open through the National Battlefield Park so Sudley Church can continue to serve the surrounding community as it has for the past two hundred years.

Very truly yours,

Al Linch, Chmn., Administrative Board

William L. Ayres
William L. Ayres, Pastor

Mary H. Ferguson
Mary H. Ferguson, Historian

Copies to: List attached.

Copies to:

The Honorable Paul S. Trible, Jr.
United States Senate

The Honorable Frank Wolfe
House of Representatives

The Honorable Stan Parris
House of Representatives

The Honorable D. French Slaughter, Jr.
House of Representatives

✓ Chairman, Senate Subcommittee on Public Lands,
National Parks and Forests

Mr. Donald Hodel, Secretary
Department of the Interior

Bishops Robert M. Blackburn and Thomas B. Stockton
United Methodist Church, Richmond Area

The Rev. Robinson H. McAden, Superintendent
United Methodist Church, Arlington District

Superintendent
Manassas Battlefield Park

For further information contact:
Thomas M. Miller (202) 944-8551

NOT FOR RELEASE UNTIL:
September 9, 1988

INTERIOR'S DELINQUENT PARK BOUNDARY STUDY COULD HAVE AVERTED MANASSAS

(Washington, D.C.), September 8, 1988...The Reagan Administration scuttled a Congressional request to study the historical boundaries and integrity of America's national historical park units, according to a letter sent to Secretary of the Interior Donald Hodel from the National Parks and Conservation Association (NPCA). According to NPCA, the report and its findings were to be submitted to the Congress by January 1, 1981 (*see attachments). NPCA has found that no such report was ever completed.

NPCA President Paul C. Pritchard stated, "Solving this nation's crisis along our park boundaries should cease to be a confrontational process which pits interest against interest. Cooperation and commitment should be the means to the ends when dealing with preserving and protecting our nation's common heritage. Contentiousness between the local, state, and federal authorities could have been avoided at Manassas if such a review had been completed as Congress requested nearly a decade ago."

Continued Pritchard, "Although Manassas continues to command the news headlines, other historical sites including Antietam, Richmond, Gettysburg, Harpers Ferry, and Fredericksburg/Spotsylvania face similar threats upon their boundaries. We urge the Department of the Interior to move forward and complete this boundary report, which the Park Service had begun and supported, and submit their findings to the Congress. Americans want a rational, cooperative plan for historic park protection. Congress and the American public anxiously await the results of this study."

-more-

National Parks and Conservation Association
1015 Thirty-First Street, N.W., Washington, D.C. 20007
Telephone (202) 944-8530

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NOV 17 1980

Honorable Phillip Burton
Chairman, Subcommittee on National
  Parks and Insular Affairs
Interior and Insular Affairs Committee
House of Representatives
Washington, D.C. 20515

Dear Mr. Burton:

The Oversight Statement in Report 96-570, House of Representatives, 96th Congress, 1st Session, indicated that you, as Chairman of the Subcommittee on National Parks and Insular Affairs, wanted a thorough review of the boundaries of all historical and archeological areas in the National Park System by professional historians to assure their adequacy to protect the significant resources of those parks. A report of the results of this review was to be submitted by January 1, 1981.

This review is underway but will not be completed by January 1, 1981. The Chief Historian and Chief Anthropologist have developed a questionnaire to be completed by their regional counterparts that should provide the information needed, and submissions on trial parks in each region are now coming to the Washington office for review. However, the pressure of business generally on the professionals qualified to prepare these reports, the paucity of travel funds and the sheer number of reports required in some regions combine to make the above due date, or any early date, beyond our ability to meet. All recognize the desirability of such a review and the work will be done, however a date of December 31, 1981, appears more realistic at this time.

Sincerely yours,

(SGD) STANLEY T. ALBRIGHT

~~ACTING~~ DEPUTY Director

bcc:
001-Reading File
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SIMILAR LETTER TO:
Hon. Keith G. Sebelius

FNP:HWPfanz:523-0089:pjw:11/13/80

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e Site in the State of Penn-

ld be pleased to provide fur-

Alice M. Rivlin,
Director.

: Cost Estimate

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l water conservation fund
5 percent of the 22 acres
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ne NPS has also estimated
of $353,000, which is ex-
nd acquisition.

James L. Blum.
r for Budget Analysis.

Oversight Statement

H.R. 4308 is intended to authorize a new unit of the national park system, and to make boundary adjustments to an existing historical park. No recommendations have been received by the committee pursuant to rule X, clause 2(b)(2).

In its report (No. 95–389) on a bill in the 95th Congress to expand the boundaries of the Manassas National Battlefield Park, the committee expressed concern over various visitor recreational and National Park Service management activities which were occurring within the various historical units of the national park system and which may be threatening the historical integrity of those units. Along with committee staff investigation, the National Park Service has conducted a survey and analysis of this matter and has submitted preliminary materials to the committee, with a final report of its findings to be submitted late in 1979. The Committee wants and expects the National Park Service to promptly conclude this review and report so the committee can consider the findings for any follow up action it may wish to take.

The chairman and ranking minority member of the Subcommittee on National Parks and Insular Affairs are also concerned about the frequency with which boundary adjustments need to be considered for many of the historical theme units of the national park system, particularly as conflicting adverse use pressures from adjacent lands growingly impinge upon the parks' historical integrity. Also, many existing boundaries were never originally located to adequately protect important and integral parts of the historical scene, as subsequent historical research and findings have often revealed new information from that earlier known. When boundary adjustments proposing new land acquisitions are made late and on the eve of proposals for those same lands to be used for other purposes, the use conflicts and acquisition costs are often highly escalated, with compromises often necessarily resulting which produce less than adequate adjusted boundaries for proper protection of historical integrity. Consequently, these two members request that the National Park Service conduct a thorough and professional nationwide review of all units of the national park system which are primarily historic in nature, to determine in a concerted effort whether further boundary adjustments are likely to be warranted to adequately protect and depict each unit's historic scene and to properly buffer the area's resources for appropriate present and future visitor use and appreciation. Needed boundary adjustments should be mapped and supported with detailed rationale for their acquisition or deletion, along with general estimates of current land values. This review should be conducted by a team composed principally of professional historians knowledgable of the task. The above members would like to receive the results of such survey by no later than January 1, 1981.

On another matter, there are currently about nine different nomenclature designations for national park system units which principally protect historical themes and resources. There appears to be no apparent rationale for so many different designations, and the consistency of application appears somewhat questionable. The chair-

OFFICIAL COMMITTEE FILE

August 31, 1988

BN
FYI

RECEIVED SEP 7 1988

Hon. J. Bennett Johnston
United States Senator
SH 136 Hart Senate Office Building
Washington,D.C. 20510-1802

Dear Senator Johnston:

The proposed 542-acre "William Center" development immediately adjacent to Manassas National Battlefield Park in Prince William County, Virginia, poses an unprecedented threat to one of this nation's most significant historic sites. The development, which includes a 1.2 million square-foot shopping mall, will consume critical sites associated with the Second Battle of Manassas, and, with its attendant traffic, noise, and pollution, will destroy Manassas National Battlefield Park as we know it.

The William Center tract played a vital role in the Second Battle of Manassas. From his headquarters on this property, General Robert E. Lee, joined at times by Generals Thomas J. "Stonewall" Jackson, James Longstreet and J.E.B. Stuart, directed one of the South's most decisive victories, one that opened the way for the Confederacy's first invasion of the North. The tract also encompasses nearly one-fourth of the Confederate line during the battle. This portion of the Confederate line set the western dimension of the battlefield and severely limited the Federal's ability to maneuver successfully (hence the two episodes of fighting on the William Center tract). Moreover, it was from here on August 30, 1862 that James Longstreet launched his battle-winning counterattack--an attack that twice the size of "Pickett's Charge" at Gettysburg and far more successful. And it was on this property that during and after the battle, both North and South set up field hospitals to treat some of the nearly 15,000 men wounded during Second Manassas.

Just as disturbing as the loss of this historic ground is the impact this development will have on the adjacent National Park. Immediately across the road from the development is the Brawner Farm, where Wisconsin's and Indiana's "Iron Brigade" and Virginia's "Stonewall Brigade" opened the battle in bloody stalemate; there the development will impose mightily on a pristine, hallowed landscape. Traffic from the up-to 80,000 people per day who will visit the mall will choke the already hard-pressed roads through the park. And that traffic will breed noise, signs, lights and pollution that will impact virtually every inch of the battlefield. In short, the entire character of the battlefield will be changed. It will be sapped of its evocative and educational power.

We, the undersigned historians and scholars, strongly urge you to pursue acquisition of the William Center tract with all possible speed. Manassas Battlefield must be preserved. At the same time, we urge you to install the mechanisms needed to protect Manassas and our other national parks from future intrusive development, for without such action what is happening now at Manassas will merely foreshadow the fate of all our refuges of hallowed ground and natural beauty. The responsibility to preserve these places rests with this generation; the power to preserve them rests with you.

Sincerely,

James M. McPherson
Dr. James M. McPherson
Edwards Professor of American History
Princeton University
Author, Battle Cry of Freedom

Emory M. Thomas, Ph.D.
Professor of History
University of Georgia
Author, The Life of J.E.B Stuart

Dr. Harry W. Pfanz,
Former Chief Historian, NPS
Author, Gettysburg: The Second Day

Gary W. Gallagher
Dr. Gary W. Gallagher
Professor of History
Pennsylvania State University
Author, Stephen Dodson Ramseur

William C. Davis
Exec. Editor, Historical Times
Author, Battle at Bull Run

William A. Frassanito
Historian, Gettysburg, PA
Author, Gettysburg: A Journey in Time

Richard J. Sommers
Dr. Richard J. Sommers
Chief Archivist-Historian
Military History Institute
Author, Richmond Redeemed

Dr. James I. Robertson
C.P. Miles Professor of History
Virginia Tech
Author, General A.P. Hill

Russell F. Weigley, Ph.D.
Distinguished University Professor
Temple University
Author, Eisenhower's Lieutenants

Richard M. McMurry, Ph.D.
Professor of History
North Carolina State University
Author, John Bell Hood

Stephen W. Sears
Stephen W. Sears
Historian, Norwalk, CT
Author, George B. McClellan

Alan T. Nolan
Chair, Board of Trustees
Indiana Historical Society
Author, The Iron Brigade

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CITY OF MANASSAS
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CITY COUNCIL
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September 2, 1988

Senator Dale Bumpers, Chairman
Public Land, National Park Subcommittee
Energy and Natural Resources Committee
U. S. Senate
Washington, DC 20510

Reference: MANASSAS NATIONAL BATTLEFIELD PARK/WILLIAM CENTER TRACT

Dear Senator Bumpers:

The City of Manassas, while taking no official position concerning the construction of a mall on the William Center Tract, wishes to make your committee aware of several matters pertaining to the effect of pending legislation now before Congress.

As to the financial impact on the Federal Government, we see the following as the minimum Federal expenditure that will need to be made.

First, based on the estimate of Mr. Ray Pethtel, Commissioner, Department of Transportation, Commonwealth of Virginia, the value of the roads which are proposed to be closed and restricted to Park use is one hundred thirteen million dollars ($113,000,000). The Commonwealth would expect reimbursement from the Federal Government for the loss to the highway system. This amount does not provide for reimbursement to existing property owners and residents living along these roads for damages that might result from the Federal actions.

Second, if the fair market value of the William Center tract is based on sales of the past year in the immediate area of Haymarket and Gainesville, the property value would be approximately one hundred million dollars ($100,000,000).

The City of Manassas is deeply involved in serious negotiations with two major corporations which may invest huge sums in Manassas City. One international corporation would generate an initial investment of approximately seventy five million dollars ($75,000,000) on a tract of land owned by the City of Manassas. This is predicated on the present design as approved for the Route 234 Bypass and interchange with Interstate 66. This route for the bypass and interchange was worked out jointly between local governments, the Commonwealth of Virginia and Federal regulatory agencies. For Congress to cause us to scrap these

"Rich in Historic Interest"

plans would be disastrous for the City. It would void fifteen years of planning. To start over as proposed would cause a minimum of six years delay in the completion of the urgently needed bypass.

We respectfully request that you give this matter serious consideration before acting. The orderly process of planning and the future of Manassas is in your hands.

Sincerely yours,

James H. Payne

James H. Payne
Vice Mayor

JHP/ba

PRINCE GEORGE'S COMMUNITY COLLEGE
OFFICE OF INSTRUCTION
Social Sciences

September 5, 1988

The Honorable Dale Bumpers
U.S. Senate
Washington, D.C. 20510

Dear Senator Bumpers:

I am writing to tell you that I am opposed to the plan of Hazel/Peterson Companies to build a shopping mall on Stuart's Hill in Manassas, Virginia. I am also writing to urge you to support HR 4526 which will expand the Manassas National Battlefield to include Stuart's Hill.

I have taught American History on both the secondary schoool and college level since 1963. I can assure you that nothing in our nation's past excites students more--even dull students--than the study of our Civil War. The fight to save Stuart's Hill from development and to incorporate it into the Manasssas National Battlefield Park is in the national interest. If we fail to save this historic ground, then we are telling our children and countless generations of Americans yet unborn that our history has no significance and is not worth studying or understanding.

I have been out to Manassas and Prince William County many times and I know that Hazel/Peterson can easily find some other site for their proposed William Center. Stuart's Hill must be saved now and forever so that future generations of Americans can go out to Second Manassas as I have with students and colleagues and study the battle in detail where it took place.

I strongly urge you, your colleagues on the Committee for Interior and Insular Affairs, and the U.S. Senate to support HR 4526. Save Stuart's Hill before it is too late. It is the right thing to do for the entire nation.

Thank you for your time and consideration.

Sincerely yours,

Joseph F. Citro

Joseph F. Citro
Professor

July 5, 1988

WILLIAMS CENTER TRACT
Prince William County, Virginia

By John J. Hennessy*

Description

The Williams Center Tract is a 580-acre parcel, located about five miles northwest of the City of Manassas, that encompasses the southwest corner of the battlefield of Second Manassas. The property is bordered on the north by US Route 29 (the historic Warrenton Turnpike), on the east by Manassas National Battlefield Park and private property along Groveton Road (formerly known as Lewis Lane), on the south by Interstate 66, and on the west by Pageland Lane (of which only the portion at the western base of Stuart's Hill is historic). Across route 29 to the north is the Brawner Farm, the scene of the opening engagement of the Second Battle of Manassas. The Brawner Farm was acquired by the National Park Service by a legislative taking in 1985.

The Williams Center tract is dominated by the heights of Stuart's Hill, located on the northwest corner of the property. Stuart's Hill, named after Confederate cavalryman J.E.B. Stuart, rises to an elevation of approximately 345 feet. At the time of the war its cleared summit commanded impressive vistas to the east, south and north. At the northern base of the hill is Route 29 (the northernmost two lanes of which mark the historic roadbed), while Pageland Lane runs along the western and southern slopes. From the summit the eastern slope drops off quickly to the undulating fields and woods that comprise most of the tract.

East of Stuart's Hill the property varies in elevation from 240 to 280 feet, with the highest ground in the extreme southeast corner. The tract is cut by a number of dry and wet-weather streambeds, the most prominent of which, Young's Branch, runs across the land from northwest to southeast. Historically a number of well-defined wood lots dotted the tract. The most prominent of these was an almost-square thirty-five acre lot bordering the Warrenton Turnpike just northeast of the Cundiffe House. This lot, which was really an extension of what has become known as "Gibbon's Woods" north of the Turnpike, provided considerable cover for soldiers of both sides during the Second Battle of Manassas.

At the time of the Civil War the Williams Center Tract was typical of the almost rhythmically populated, rolling farmland so common in Northern Virginia. Evidence of the apparently fairly limited ante-bellum use of the tract remains today at three sites. Located about 300 yards south of Route 29 and an equal distance east of Stuart's Hill is the site of the Cundiffe House, used as a field hospital during the Second Battle of Manassas. The site is marked only by limited archeological remains. An apparently associated family burial ground is located nearby (and was, incidentally, missed during the Hazel-Peterson sponsored archeological survey). Meandering north to south just west of the Cundiffe House site is scattered surface evidence of Meadowville Lane, a rudimentary farm road of a type common in rural areas.

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*Former NPS historian at Manassas battlefield who currently works for the New York State Office of Parks, Recreation and Historic Preservation.

At the southeast corner of the property, on the highest point of ground east of Stuart's Hill, is the site of the W. Lewis House, known during the Civil War as "Brownsville" and afterward as "Folly Castle". This house was one of many Lewis family homes in Prince William County and, like most structures in the area, served as a field hospital following the Second Battle of Manassas. After the war it was for a time owned by Confederate veteran Thomas Leachman, who served as a guide for General Robert E. Lee during the Second Manassas Campaign. The war-time structure burned in 1899 and was replaced by a house that was razed by Hazel-Peterson in late 1987.

An archeological survey turned up considerable evidence of military activity in the area around the house.

Until very recently the Williams Center tract had been only lightly touched by local development pressures. A handful of modern structures, including a nursery, have been erected in the area of Stuart's Hill. The eastern edge of the tract along Groveton Road (Lewis Lane) is likewise dotted with single-family homes. East of Groveton Road, in the triangle formed by the historic Compton Lane roadbed (no longer in use), Groveton Road and Young's Branch, a small, well-screened development of single family homes was put in the 1950's and 60's.

The interior of the tract, save for the construction work and recently begun by Hazel Peterson, remains largely untouched. While cedars and brush have grown up in fields in recent years gone fallow, modern aerial photographs clearly show the outline of historic wood lots. Only a twin-tower high tension power line running along the eastern base of Stuart's Hill (and continuing northward onto the adjacent Brawner Farm) mars the landscape.

Significance

The Williams Center Tract is one of the critical sites associated with the Second Battle of Manassas and General Robert E. Lee. It is significant in four ways. First, for the better part of two days General Lee located his headquarters on Stuart's Hill, and from there directed what many historians recognize as his most decisive victory--one that brought the Confederacy to the height of its power by opening the way for Lee's first invasion of the North. Secondly, the Williams Center tract encompasses the positions of nearly one-quarter of the Confederate line during the battle; the property was the focal point of a Confederate position that set the western dimension of the battlefield and severely limited the Federal's ability to maneuver. Third, and perhaps most importantly, the Williams Center tract was the jump-off point General James Longstreet's battle-winning counterattack on August 30--probably the largest, most successful attack Lee launched during the war. Finally, the tract was the sight of major field hospitals for both sides during and after the battle.

Overview

By late summer of 1862 Robert E. Lee and his Army of Northern Virginia had arrived at a crossroad of opportunity or potential disaster. Lee had just completed a successful campaign against the Union Army of the Potomac, commanded by Maj. Gen. George B. McClellan, during which McClellan had been driven back from the very gates of Richmond. To the north, however, another threat loomed as Maj. Gen. John Pope and the Union Army of Virginia prepared a campaign against Virginia's vital supply and communication links to the trans-Allegheny Confederacy. On August 3, 1862, McClellan's 110,000-man army was ordered to join Pope. If this junction were effected, Lee would be outnumbered better than 2-1.

Daunting though this prospect was, Lee saw late-summer of 1862 as a period of great opportunity. In the east, the Confederacy had won a series of convincing victories--victories that had raised the eyebrows of European powers interested in intervening in this civil war on behalf of the Confederates. Lee knew that if he took the war north and won a convincing victory on Northern soil, European intervention might well become reality. And European intervention would all but assure the Confederacy's independence.

Standing in his way, however, was the prospect of taking on the united Armies of the Potomac and Virginia. If Lee were to be successful, he had to defeat Pope's army before the Army of the Potomac could join it. In late July he dispatched half of his army, under Thomas J. Jackson, to confront Pope, and in mid-August followed with the rest of his army. For a week Lee sparred with Pope, first along the Rapidan and then the Rappahannock River, looking for an opportunity to strike at him and beat him. That opportunity came on August 25, 1862 when Lee sent Jackson with 24,000 men on a 54-mile flanking march around Pope's army, cutting Pope's supply line at Manassas Junction and forcing Pope to fall back from the Rappahannock in pursuit.

For two days Jackson eluded Pope, finally taking a concealed position behind the unfinished Independent Line of the Manassas Gap Railroad. Meanwhile Lee and Longstreet, with nearly 30,000 men, followed Jackson by approximately 30 hours, arriving at Thoroughfare Gap in the Bull Run Mountains on August 28. There, after a brief fight for control of the Gap, Lee and Longstreet bivouacked; they would join Jackson in the morning.

While Lee, Longstreet and their 30,000 men prepared to bivouac the evening of August 28, ten miles away the Second Battle of Manassas opened when Jackson found and attacked Brig. Gen. Rufus King's Union division, composed in part of what was to be known as the "Iron Brigade", and fought to a bloody stalemate on the Farm of John Brawner, immediately across the Warrenton Turnpike from the Williams Center Tract. Though King's division left behind its dead and wounded and retreated from the Brawner Farm that night, Union general Pope directed his entire army to march at early light, converge upon and "bag" Jackson.

During the night Jackson redistributed his men along a 1.25-mile-long line behind the unfinished railroad, facing generally southeast. Soon after daylight the Federals appeared, and throughout the morning heavy skirmishing developed along Jackson's entire front. At approximately 10 AM, unbeknownst to Pope, Longstreet arrived on the field and took position on Jackson's right, facing due east. The Confederate line, now almost three miles long, was formed in an obtuse angle, "like a pair of jaws ready to snap shut," said one Confederate.

August 29 saw heavy fighting on Jackson's front as Pope sought to hold Jackson in place while he mounted a decisive attack against Jackson's right--an attack that never took place because of Longstreet's presence on Jackson's right. While from the Federal perspective the day's fighting can be best described as a stalemate, Pope saw in it promise enough to convince him to remain on the field and try again on August 30. Still, however, he was unaware of the presence of Longstreet's 30,000 men opposite his left.

At 3 PM on August 30 Pope launched his largest attack of the battle as Fitz John Porter's corps led an 8,000-man attack against Jackson at the "Deep Cut". After 25 minutes of some of the most intense fighting of the war (the Confederates, out of ammunition, were for a time forced to fight with rocks), the Federals tumbled back in disorder. The retreat of Porter's men threw much of the Union Army into a state of flux, which included the unnecessary transfer of about 10,000 troops from the Union left on Chinn Ridge to the center.

Simultaneously, Lee and Longstreet saw the opportunity to strike at the Union left. Lee issued orders for Longstreet to counterattack, and with remarkable speed (in less than 30 minutes) Longstreet had most of his 30,000 men moving forward. Longstreet's objective was to converge on Henry Hill and, by controlling the Warrenton Turnpike, cut off Pope's retreat route to Washington.

Longstreet's men rolled forward, bowling over Union resistance at New York Ave (common name) and the western shoulder of Chinn Ridge. On Chinn Ridge proper the attack ran into stiffer resistance, and there for 90 minutes the heaviest sustained fighting of the battle took place. The Federals were eventually driven back, but the 90 minutes of fighting on Chinn Ridge allowed the Federals time enough to establish a strong defensive line in Sudley Road on the western edge of Henry Hill. Despite repeated attacks by Longstreet, the Federals hung on. Still, Longstreet's attack had been decisive--indeed it was certainly the most decisive attack Lee launched during the war. That night the Union army began an ignominious retreat back to the defenses of Washington.

Following his victory at Second Manassas the situation in Washington was one of confusion and disarray. Pope's army was a shambles, and was quickly dismantled. Rumors flew that Lee was advancing on the city; government papers were boxed and readied to be transported out of town. Yet Lee knew that, though disorganized, the bulk of McClellan's army was in the Washington area. Instead of threatening the Capital directly, Lee decided to take his army north and for the first time invade northern soil. On September 4, 1862 the first Confederates crossed the Potomac into Maryland in a campaign that would present perhaps the Confederacy's greatest opportunity for victory, and one that would end in the war's bloodiest day.

The Williams Center Tract in the Second Battle of Manassas.

The Williams Center Tract is associated with four significant aspects of the Second Battle of Manassas.

1) Lee's Headquarters. From approximately 10 AM on August 29 until 4:30 PM on August 30 General Robert E. Lee located his headquarters on Stuart's Hill, at the northwest corner of the Williams Center property. Lee chose Stuart's Hill as his headquarters because of the expansive vistas offered by its summit; indeed those vistas are as historically significant as the hill itself. To the east he could plainly see parts of the Federal lines; beyond, the heights of Centreville, eight miles away, were visible. To the north he had visual contact with Jackson's headquarters, with which he maintained continuous contact on August 30 by means of signals. Below him, to the east and south, Longstreet's men spread out in the fields awaiting action.

Throughout its thirty hours of occupation by Lee, Stuart's Hill was a hive of activity. While there, Longstreet was Lee's almost constant companion. At various times the two were joined by Jackson and Stuart. In fact, according to Lee's staff officer Charles Scott Venable, the three bivouacked together on the hill the night of August 29-30. James Hagood of the 1st South Carolina Infantry of Jenkins' Brigade recalled the headquarters scene: "Generals Lee, Longstreet, Jackson and a number of lesser lights occupied a knoll...reconnoitering the enemy's position, whilst staff officers and couriers incessantly arrived and departed with reports from various parts of the field."1

Another Confederate, Westwood Todd of the 12th Virginia, remembered,

> "Our brigade...rested on a high hill commanding a view of the battle-field. Here General Lee had his headquarters during the battle, and thus we had the rare opportunity (for private soldiers) of observing the actions and manner of this distinguished general during the progress of one of the greatest battles of the war. He was the handsomest and most graceful man I ever saw. I watched all his movements with great interest. He and his staff had dismounted and orderlies were holding their horses a few yards distant. His manner was composed and dignified, his motions easy and deliberate, and his face calm and thoughtful. He talked but little to those around him, and was constantly using his field glasses, approaching sometimes within a few feet of us.

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1 James Hagood, MS "Memoirs of the First South Carolina Regiment of Volunteer Infantry," p. 68, South Caroliniana Library, University of South Carolina.

> "At one time I saw him looking at a great cloud of dust over the enemy's lines, and saw him point to it as he made some remark to one of his staff. At one time I saw watching with great interest, and with a very pleased expression, of a rapid firing of a battalion of our Artillery, which occupied a commanding position on our left front...From time to time Generals of high rank rode up to confer with him. In the early part of the morning I saw at one time around him Jackson, Longstreet and Stuart..."[2]

During his 30-hour stay on Stuart's Hill, General Lee made the critical command decisions that determined the outcome of the Second Battle of Manassas. There, throughout the day on August 29, he wrestled with the question of whether or not to remain on the defensive, leaving the hill only occasionally to personally inspect the ground opposite Longstreet's extreme right, where a large Federal force hovered. Finally at about 4 PM, at Longstreet's suggestion, Lee decided to forego attack until morning and instead perform a reconnaissance-in-force along the south side of the Warrenton Turnpike to determine the strength of the Federal positions there. Later, at midnight, with the results of the reconnaissance showing a strong Union presence in front of Longstreeet, Lee met with Longstreet and Generals Evans, Law and Hood and decided to cancel any morning attack.[3]

Early on August 30 Lee met with Longstreet and Jackson on Stuart's Hill and decided to remain on the defensive. Throughout the day Lee maintained a regular dialogue with Jackson via his signal station atop the hill. Finally, at 3 PM the Federals attacked Jackson, only to be driven back in disorder. From Stuart's Hill the results of this attack were plain to Lee, and he instantly ordered Longstreet to move forward with his wing of the army in a massive, spur-of-the-moment counterattack. As Longstreet's men moved forward, at about 4:30 Lee descended the hill and joined Longstreet along the Warrenton Turnpike. The two followed the attack as it progressed eastward toward Henry Hill. By nightfall it was apparent that Lee had won crucial, decisive victory.

Stuart's Hill is significant both for its strong association with a host of this nation's greatest military leaders, including Lee, and the site's importance vis-a-vis the outcome of the Second Battle of Manassas. Indeed, what went on on Stuart's Hill during the 30 hours Lee was there had as much or more to do with the outcome of this battle than as anything that occurred within the protected boundaries of Manassas National Battlefield Park.

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[2] Westwood A. Todd, MS Reminiscences, pp. 37-38, Southern Historical Collection, University of North Carolina at Chapel Hill.

[3] John Hennessy, Second Battle of Manassas: Historical Report of Troop Movements (Washington, 1985), p. 246.

2) The Williams Center Tract was the focal point of a defensive position that set the western dimension of the battlefield and severely limited the Federals' ability to maneuver. Three times the Federals attempted to threaten Jackson's right; three times Longstreet and his men foiled the attempts, resulting twice in fighting on the property.

The first significant troop movements on the Williams Center tract came early on the morning of August 29, 1862 as the Union divisions commanded by John F. Reynolds (later killed at Gettysburg) and Robert C. Schenck (later a U.S. Congressman) moved forward on the left of the Union line. As they moved on to the Williams Center Tract, Reynolds ordered a brigade and battery commanded by General George G. Meade to move across the property onto the Brawner Farm, ostensibly to threaten Jackson's right. The battery moved into position just north of the Brawner house, while the Pennsylvanians of Meade's brigade encountered two regiments of skirmishers from Early's brigade just west of the Cundiffe House, which at this time contained a large number of dead and wounded from the previous night's fight.

Reynolds and Schenck maintained their positions on the property and around the Brawner House until approximately 10 AM, when the vanguard of Longstreet's column appeared from the west. Longstreet immediately deployed Hood's brigade to drive the Federals away from Jackson's right, and ordered some of Hood's batteries to go into position, probably on Stuart's Hill. Hood's men pushed ahead firmly and Reynolds and Schenck, seeing that their left was in dire danger, ordered a hasty retreat. (See maps 3-5.) For a time the wounded in the Cundiffe House were caught in a nasty crossfire between the lines.

Hood led his Texans forward to the cover of woods just northeast of the Cundiffe House, where his men halted while the rest of Longstreet's Wing deployed. By noon Longstreet's command was arranged along a 1.5 mile front, from Jackson on the left directly southward to the Manassas-Gainesville Road on the right (map 5). Hood's division straddled the turnpike, and to his left was Kemper's division and D. R. Jones'.

Reynolds and Schenck, meanwhile, had fallen back to a line along Groveton Road (Lewis Lane). There they remained quietly until approximately 3 PM when Reynolds received orders from Pope, who as yet was unaware of Longstreet's position and would remain so for more than 24 hours, to move forward and "threaten" Jackson's right near the Brawner Farm.

Reynolds obediently advanced two brigades, only to run smack into Kemper's division of Longstreet's Wing in the fields behind the Lewis House. A sharp fight of perhaps twenty minutes ensued, and Reynolds, his way to Jackson's right manifestly blocked, pulled back yet again. (Map 6).

The third attempt by the Federals to get at Jackson's right flank did not result in fighting on the Williams Center Tract, but does illustrate the importance of Longstreet's position in its entirety. Pope's plan for the day called for two of his corps to march from Manassas to Gainesville and from there launch a crushing attack against Jackson's right. In fact, all of the Union frontal attacks against Jackson's position were designed to do little more than hold Jackson in place while this attack crashed upon Jackson from the west.

The Union attack never took place. As the Federals moved out the Manassas-Gainesville Road (modern-day Wellington Road) they ran into Longstreet, and were able to move not an inch further the remainder of the day. Pope's plans were entirely foiled.

Throughout the day on August 29 and up until 4 PM on August 30 the Williams Center Tract was the focal point of Longstreet's position. At times up to 14,000 men--a quarter of the Confederate army--inhabited the property, and their presence there was critical to the outcome of the battle.

3) The tract was the jump-off point for Longstreet's counterattack on August 30, 1862. At about 3:45 Lee and Longstreet ordered his wing to move forward (see maps 12-15). Within less than twenty minutes all of his troops south of the Warrenton Turnpike were pushing ahead, bearing down on the almost defenseless left flank of Pope's army. Until 6 PM critical fighting raged on New York Ave and Chinn Ridge, where the magnitude of the Confederate victory was determined; all of this fighting was carried out by Confederates who had started the attack on the Williams Center Tract: Evans's and Hood's brigades of Hood's division and Hunton's, Corse's and Jenkins' brigades of Kemper's division. Those of Longstreet's wing that advanced north of the Warrenton Turnpike took part in little fighting at all, while those that emanated from south of the Williams Center tract were largely engaged in the fighting on Henry Hill, from 6-7:30 PM, after the Confederate victory was assured, after Pope had issued his retreat orders. (R.H. Anderson's Division, which, like Hood and Kemper, jumped off from Williams Center, was also engaged in the fight for Henry Hill.)

In the context of this attack, Longstreet's position on the Williams Center can be likened to the Confederate position on Seminary Ridge prior to Pickett's Charge--the only major difference is that Longstreet's attack at Second Manassas was much larger and far more successful than the Pickett-Pettigrew assault at Gettysburg. In fact, without question, Longstreet's attack at Second Manassas was the single most successful, decisive attack Lee launched during the entire war.

4) The Williams Center Tract was the site of two significant field hospitals--one of which was the largest documented Confederate field hospital on the battlefield--and the site of a significant number of battlefield burials.

During the fighting between King's Division and Jackson on the Brawner Farm on August 28, the Williams Center Tract was about 300 yards behind the Union line of battles. As the fighting progressed, Union surgeons set up a field hospital in and around the Cundiffe House. To there, before the Federals evacuated the field at 1 AM, most of the Union wounded were taken. According to Iron Brigade commander John Gibbon, the dead were also gathered up and brought back to that area for burial.

After midnight the wounded that could be safely moved were brought with the division as it retreated toward Manassas. Left in and around the house were dozens of the more seriously wounded, and many dead. The next morning these wounded were relieved to find Reynolds' division advancing past them (one of Reynolds men counted 38 Union wounded inside the house proper), only to be disappointed when Longstreet's men drove the Federals back. Soon the Union wounded and dead were in Confederate hands, where they would remain throughout the battle.4

During the next day the Confederates of Hood's division set up their own field hospital, the tents of which "were pitched a little distance back of the place where our brigade first started into the fight," according to one member of Hood's Brigade. (This would mean that the field hospital, which incidentally is the biggest documented Confederate field hospital on the battlefield, was located near the eastern base of Stuart's Hill, probably beneath the modern-day power lines.) After Hood's division became engaged on the evening of the 29th, and again on August 30, the divisional field hospital filled quickly.

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4 John Forrest Robertson, MS Memoirs, Confederate Veteran Collection, Duke University. Robertson was in the 23rd S.C. of Evans' Brigade.

Nicholas Pomeroy of the 5th Texas remembered.

> "Nearby was plenty of good spring water, which was necessary, and as the weather was fine the operating tables were placed outside in front of the tents. At each table was a surgeon wearing a large apron and having his shirt sleaves pinned up, thus leaving his arms bare, with him were a certain number of attendants. As soon as one poor fellow was operated on he was taken back to his bed of straw in the tent and was replaced by another, and in the afternoon were to be seen piles of limbs out in the field ready for burial. It was painful to witness the sufferings of our poor comrades all that night, and it was a relief to some of them to die before morning."

Writing of August 31, Pomeroy continued,

> "A pathetic incident occurred that day--two of my company who were operated on died during the night, and a comrade and I were detailed to bury them[.] We found it a hard task to dig the graves, the ground being hard and the tools worn out, and ourselves almost exhausted from hard work, want of food and sleep. We then brought our poor dead comrades, first one, then another, on a litter and laid them side-by-side in the one grave, covered them with their blankets and had just finished putting on the last of the earth when a young cavalryman rode up, halted, and asked if we could give him an account of the 5th Texas. I told him I belonged to that regiment. He said he was a Virginian, and his name was Massinburg, and that he had a brother who went to Texas a year previous to the breaking out of the war, and the last account he had from him was that he had joined a Company of the 5th Texas...When I pointed to his grave the poor fellow got an awful shock."[5]

A field hospital was also set up at the Lewis House, though documentation regarding it is nonextant.

Work in both the Union and Confederate field hospitals on the Williams Center tract continued for several days. By September 3 the process of removing the Confederate hospital to the railhead at Warrenton was well underway, and by September 7 the last of the Union wounded from the Iron Brigade were taken off the field.

How many men were treated at these field hospitals, and how many died and were buried near them, is unknown. According to the Official Records, Hood's Division (Law's, Evans' and Hood's brigades) had 1247 men wounded during the battle.

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[5] Nicholas Pomeroy, MS Memoirs, pp. 35-36, Hill Junior College Library.

Certainly not all of these were treated on the Williams Center tract--some are known to have been treated at the Chinn House--but a significant number, perhaps half, were, and a significant number of those died. That there were, and probably are, a number of graves on the Williams Center site is virtually certain. Indeed, during a war-time survey of graves at Gettysburg, nearly as many were found at or near field hospital sites as were found at the sites of heavy combat. There is nothing to suggest the same would not be true at Manassas. Moreover, there is no physical or documentary evidence that suggests the Confederate graves on this portion of the battlefield, such as those described by Private Pomeroy, were ever disinterred.

After the battle the dead on both sides were given hasty burials in shallow, unmarked graves. The following year the men of the Iron Brigade, passing over the battlefield on their way to Thoroughfare Gap, were shocked to discover, "lying about in every direction...the bleaching bones and ghastly skulls of the men who fell." On November 1, 1863 details from the Iron Brigade returned to the field to give the dead from Wisconsin and Indiana, some of whom had been gathered near the Cundiffe House after the battle, proper burial. "We have carefully interred the remains," reported Brig. Gen. Lysander Cutler, who himself had been wounded at Brawner Farm. This is one of the rare examples of field reinterments during the war.1

Prompted by the outcries of concerned citizens, in 1866 the Federal government dispatched a detail to the battlefield to remove the carelessly buried remains of Union soldiers. The documentation shows only very limited activity by this detachment on the Williams Center tract, and no activity on the western portion of the tract. Given their mandate to remove the remains for proper burial at Arlington, it is unlikely that they removed--or even discovered--those dead that had been securely reinterred by the Iron Brigade in 1863.

This detachment made no attempt to remove the remains of the Confederates. Indeed, no widespread systematic attempt to locate or disinter Confederate graves on the Manassas Battlefield has ever been documented. In 1868 a Confederate cemetery was created near Groveton, but to date this cemetery contains the remains of only 266 Southerners. All told, well over 1,000 Confederate dead from the battles of Manassas remain unaccounted for. Given the field hospitals established on the Williams Center tract, many Confederate remains may still repose there.

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1 Alan Gaff, Brave Men's Tears: The Iron Brigade at Brawner Farm (Dayton, 1986), p. 178-79.

Some Observations on the Hazel/Peterson Archeological - Historical Report

1) The historical report failed to note the major divisional field hospital site on the tract. The report also failed to note the likelihood of large numbers of burials associated with all three field hospitals sites on the tract. Nor did the report document the reinterment of graves on-site, which occurred in 1863.

2) The archeological survey was based to a large extent on a systematic visual inspection of the site, noting surface irregularities and then exploring those areas more fully with a metal-detector sweep and/or test pits. This visual inspection failed to take into consideration the fact that much of the tract has been heavily tilled since the war, obliterating surface evidence of burials or disinterred graves. Surface evidence of burials or disinterred graves is common on historically non-tilled sections of the battlefield, but can not be reasonably expected in tilled areas.

3) Investigation of surface irregularities was artifact-oriented, usually done with a metal detector--this on a site that has been regularly relic-hunted for two decades and has long been considered "hunted out" by local relic hunters. Any survey of this site dependent upon the discovery of metallic artifacts would be doomed to discover nothing.

4) The documentation indicates that the location of Hood's divisional field hospital was apparently at the eastern base of Stuart's Hill, not far from the Warrenton Turnpike. This area is traversed by high tension wires, which makes use of a metal detector impossible.

5) The survey was of a quality that it failed to discover and document a known family burial ground--field stones and all--apparently associated with the Cundiffe House.

6) The discovery of graves on Manassas battlefield has occurred at intervals over the years. Most recently, the grave of a Confederate soldier was discovered on the Brawner Farm, only 500 yards from the Williams Center Tract.

In summary, the evidence indicates that there is every likelihood that graves will be discovered (undoubtedly by a front-end loader) during the course of the Williams Center construction.